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Book 5



THE
GOVERNMENTAL HISTORY
OF
THE UNITED STATES OF AMERICA
FROM THE EARLIEST SETTLEMENT
TO
THE ADOPTION OF THE PRESENT CONSTITUTION.

BY HENRY SHERMAN,
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IN FOUR PARTS.

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P R E F A C E .

IN preparing this work for the press, the Author's design has been to place within the reach of our common Schools, and the Libraries for the young throughout the country, a plain and simple history of the origin of our government and institutions, with the causes which have given to them their characteristic qualities. It is impossible for the mind of man to fix a limit to the advancement of this great and growing nation, in all the arts which contribute to the improvement of society, the sciences which expand and liberal the mind, or in the further development of those great principles of civil and religious liberty which are destined, in their ultimate maturity, to harmonize the world. It is essential that the young, who are hereafter to be entrusted with this proud heritage, should be prepared for the important and interesting duties which it may devolve upon them. If they would be useful to their country and to their race—if they would preserve, and conduct to maturity and perfection, a system of government so wisely planned, and institutions so well founded, they must become acquainted with their history from their earliest origin. They should be familiar with the causes which led to the first settlement of the several colonies planted by our forefathers in America—which transformed those colonies into independent states—which united those states into a federal community—which again dissolved this confederacy, and led to their more perfect, permanent, and happy union under the present constitution.

In looking into our libraries the Author found no work calculated particularly to aid them in making these acqui-

sitions, while those whence this information was to be derived were either too ponderous, or too voluminous, or too expensive, to fall into the hands of the mass of juvenile readers. This volume has been prepared, during the intervals of leisure from professional avocations, with a view to supply this deficiency. Yet the object aimed at in its compilation, has not been merely to furnish a library-book for general reading ; but also a class-book for the use of schools. The letters, addresses, and other documents of the several Colonies, and of the Congress, during the progress of our revolution, as also the speeches delivered in the British Parliament, which have been incorporated into the work, are excellent specimens of English composition, well adapted to improve the pupil in the exercises of reading, recitation, or declamation, while at the same time they contain the most valuable information as to the origin and progress of our liberties and institutions. Thus, it is hoped, while the work of elementary education is going forward, the young mind will be made familiar with the most interesting portion of our history, become acquainted with those fundamental principles of civil and religious faith and freedom which are the basis of our union and prosperity as a people, as well as our happiness as individuals ; and imbibe a deeper reverence for, and a lasting attachment to, the government and institutions which have been reared upon them.

The following works have been consulted by the Author, and are recommended to those who wish to acquire more extended information on this subject, viz. : Russell's *Modern Europe*. Bigland's *View of the World*. Robertson's *History of America*. Irving's *Columbus*. Bissett's *England*. Winterbotham's *America*. Butler's *History of the United States*. Pitkin's *History of the United States*. Hutchinson's *Hist. of Massachusetts*. Marshall's *Colonies*. Burke's *Works*. *Journals of Congress*. *The Federalist*. *Story on the Constitution*. Kent's *Commentaries*, etc.

HENRY SHERMAN.

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THE
GOVERNMENTAL HISTORY
OF THE
UNITED STATES OF AMERICA.

PART I.

HISTORY OF THE SOUTHERN COLONY OF VIRGINIA.

CHAPTER I.

THERE is, perhaps, no one of the sciences which, in its progress, has contributed more towards promoting the general welfare of mankind, or whose developments have tended so much to establish the amicable relations now existing among civilized nations, as the science of navigation. Through its agency people who were once not only alien, but whose very existence was unknown to each other, have been brought together and united by ties which were never felt or understood in the experience of ancient nations. An almost daily intercourse has taken place between the inhabitants of the most remote portions of the world. Commerce has been established between the barbarous and the civilized, for the supply of wants, which, by the one, were never before experienced, in exchange for commodities which by the other were till now regarded as without value or useless. This general intercourse of nations has almost

everywhere introduced a change of manners, habits, customs, opinions, and laws, which has revolutionized the face of society in every country, and by the gradual introduction and spread of more genial principles and influences is progressively ameliorating the condition of our race. The proud position which the Republic of The United States of America now occupies in the scale of nations, and the powerful influences which are emanating from them, make the history of our government and institutions a subject of great interest and importance to mankind, but more especially to those who may hereafter be entrusted with their guidance and control. In tracing these annals, the obligations which we owe to the science of navigation, make it necessary that we should give some account of its progress in the world.

The testimony of sacred as well as profane writers authorizes us to believe that the science of navigation was understood, although they leave us in doubt as to what extent it was practiced, in the earlier periods of the world's history. The multiplication of human families upon the earth, and their consequent dispersion over its wide territories must have suggested beneficial discoveries, and led to a reciprocal though limited intercourse. Europe, Asia and Africa were probably not unknown to each other as inhabited countries, though little perhaps was understood of their internal history. The relative position of the migratory tribes of men who inhabited those regions, and the nature of their correspondence with each other, were not such as to demonstrate to them either the utility or importance of the science of navigation, or greatly to encourage its cultivation.

We are told by the writers of antiquity that as far back as the seven hundredth year before the Christian

æra successful voyages of discovery were made by the Carthagenians and Phœnicians ; but search has been made in vain for many of the records to which these authors refer, and of those which have been found many are inaccurate and mutilated, while the most interesting and important of these seem rather the exaggerated and romantic incidents of fiction, than faithful records of historical facts. Yet allowing all that is said of the extent to which this science was cultivated among these nations, there is much reason to believe that all traces of it had long faded from the recollections of men, inasmuch as the Greeks, who are said to have been their pupils in all the important arts and sciences, seem to have had hardly any acquaintance with the art of navigation. Some voyages were indeed performed by them, which their own historians accounted wonderful, but these were made merely for the purposes of conquest or of plunder, to islands not very remote, and creeping along the coast of the sea. Few, if any, had dared to launch out upon the broad bosom of the ocean for the purposes of discovery. And even these limited voyages were always attended with great hazard, and oftentimes with loss, the vessels employed being poorly constructed and unskilfully conducted. As the Greeks advanced, however, in civilization and refinement, learning increased, the arts and sciences were more liberally cultivated, and the encouragement and growth of commerce produced a parallel improvement in the progress of naval science and architecture. Still theirs was always a commerce of limited extent, and its enterprizes were for the most part confined to the Mediterranean sea. All other parts of the world were but little known to them, while they were wholly unacquainted with those rudiments of science upon which

a practical knowledge of the globe has since been established.

The progress of the Romans in the science of navigation was still more tardy, and their attainments in naval enterprize were less extensive than those of Greece, while their views of its importance and advantages were more darkened and illiberal. Most of their knowledge of the earth was derived from discoveries made on land, and they were so little acquainted with its geography that they supposed the temperate to be the only habitable of its zones. They regarded those parts of it which modern discovery has proved to be the fairest and most exuberant portions of its surface, as the abodes of perpetual silence, sterility, and gloom, either too hot or too cold to support animal, and alike fatal to the production of vegetable life. Besides the barrier which these opinions may be supposed to have set to the progress of discovery, the military genius of the nation operated to restrain them from the pursuits of commerce and naval enterprize. These were regarded as subordinate institutions, and were looked upon as unbecoming a nation of soldiers, fit only for the patronage of her slaves or her freedmen. The love of glory indeed stimulated her to aim at the mastery over the neighbouring seas, but it was long after her conquests over the countries of Carthage, Greece, and Egypt, before Rome sought to avail herself of the commercial resources which were opened to her. The introduction of a taste for the luxuries and the splendors of the East, with the love of imperial grandeur inspired by the increase of her dominions, at length induced her to send her mariners across the sea for the purposes of commerce, and rapidly promoted the growth of naval enterprize. The subsequent irruption of the fierce

hordes of barbarian tribes from the North, although ultimately productive of good to mankind, checked for a while the progress of human improvement, and centuries passed away before commerce and the arts again actively revived in Europe.

CHAPTER II.

THE invention of the mariner's compass in the year 1322 gave a new impulse to the enterprize of nations, and must be regarded as the most important æra in the whole history of navigation. It revealed to man a fuller comprehension of the powers with which he was endowed by his Creator, while at the same time it served to develop the ample resources with which the same munificent hand had overspread the globe he inhabited. It taught him that he was not only lord of the earth, but that even "the great and wide sea" was a theatre where his superior intelligence might be illustrated. It opened to him a safe and a sure pathway over the trackless waters of the ocean, which could be traversed with equal accuracy in all climes, and at all seasons, whether in sunshine or in shade, in breeze or in storm, by day or by night, in summer or in winter, and inspired him with a higher and a prouder confidence in daring and defying its tempests and its perils.

The Spaniards were the first to avail themselves of the advantages of this wonderful invention; but their

adventures were limited for the most part to islands which were known and not far distant; nor does it appear that their early expeditions were made for any other than the purposes of plunder: The first regular and authentic voyages for discovery were made subsequent to the year 1364, by the Portuguese navigators. Portugal was then the smallest and least powerful of the European kingdoms, but the courage and intrepidity of her seamen and adventurers had gained for her an envious celebrity. By their daring enterprize her dominions became more widely extended, till under the auspicious reign of John I. they spread from the Tagus to China. Don Henry, the third son of John I. gave a still prouder and more vigorous impulse to the progress of improvement in naval science, by founding an academy for its study and promotion. He also erected an excellent observatory, and large numbers of his subjects were yearly instructed in astronomy, cosmography, and the art of navigation. The pupils from these schools became intelligent and practical seamen, by whose exploits in naval enterprize nations long unknown to civilized Europe were discovered to mankind, while the boundaries of human knowledge were extended and enlarged. Don Henry died in the year 1463; but the enterprizes for discovery which were projected during his reign were fostered with equal ardour, and prosecuted with great success, under John II. who is reputed to have been "a prince of profound sagacity and enlightened sentiments." The course of these explorations extended along the coast of Africa, where forts were erected for the establishment of commerce, till at length they passed its southernmost point which the prophetic spirit of the enthusiastic monarch called the CAPE OF GOOD HOPE. They thence passed on to the INDIAN OCEAN.

The progress of navigation was now more rapid in a brief century than it had been during all the centuries which had preceded. The geography of the globe became better known, and the actual character and condition of its inhabitants more perfectly understood. The vague and superstitious theories of the ancients were dissipated by the narratives of men who had penetrated the very regions which had for so many ages been regarded as the abodes of perpetual solitude, cursed by the Creator, uninhabitable by any human being, and uncheered even by the existence of vegetable life.

At this period in the world's history, so bright with promise and so fruitful of hope, we turn aside from the general developements of science, and the enterprize of nations, to mark the career of a single individual, whose name must ever be cherished among the most illustrious benefactors of our species. The brilliant enterprizes of the Portuguese navigators had already attracted the wonder and admiration of all Europe. Among those who were thereby lured into their service was Christopher Columbus, a native of Genoa. He was descended of an honored ancestry, although his own parents had been reduced by misfortune from their original position to a more humble rank in life. They possessed, however, the means of giving him as liberal advantages of education as were thought useful or necessary in those times, and he applied himself with a zealous ambition and industry to the improvement of the opportunities which were afforded him. There is one part of the character of Columbus which we feel bound to notice, as historians have not given to it that prominence which its importance demands. It was the strong religious feeling which always pervaded his spirit, and, from his earliest years, gave a complex-

ion and a shape to all his purposes. It is a conceited, a cheerless, and a frail philosophy, which would exclude the operation of our religious feelings from among those causes which produce the amelioration of the condition of mankind, and overlooks the part they have in advancing the interests of society. In all ages they have had their peculiar influence, and the results which have followed their action have marked the condition of our race, accordingly as they have been freed from, or intermingled with error, ignorance, superstition, or bigotry. Their effect upon the mind of Columbus was, to inspire him with the belief that he was destined to an instrumentality which should extend the dominions of the church, and spread the beneficent influences of the religion of the cross throughout the world. This presentiment, if we may so express it, seems to have accompanied him through all his early life, to have "grown with his growth, and strengthened with his strength," and at all times to have regulated his desires and his aims, in his riper years.



CHAPTER III.

AT the time when Columbus was training his youthful mind, the course of education pursued in the schools included geometry, cosmography, astronomy, and the art of drawing; which were taught chiefly in the Latin tongue. At the age of fourteen, so industriously had

he applied himself, he had become proficient in these several branches of education. Being strongly inclined to a sea-faring life, he now resolved to commence his career on the ocean, influenced not more by the love of adventure, than the consideration of the opportunities it would afford for enlarging his knowledge, and for the more practical study of those sciences of which he was already so enamored. He accordingly entered on board of a vessel bound for discovery. He performed several voyages, during which he penetrated the northern seas beyond the limits at which other voyagers had terminated their adventures, and advanced far into the polar circle. These expeditions added to his information, but not to his fortune, and he found it necessary to pursue them in a different capacity. He accordingly entered into the service of a then famous sea captain, the commander and owner of a small squadron of vessels, who by his naval skill and daring prowess had acquired both wealth and reputation. Columbus remained in his employ for several years, during which time he became himself distinguished both for his intrepidity as an adventurer and his skill as a navigator. While the fleet of this adventurer was returning from a successful expedition to the low countries, it was attacked by a piratical squadron off the coast of Portugal. The vessel under charge of Columbus was set fire to, and he was compelled to trust himself to the less fearful element for safety. Throwing himself into the sea, with the aid of a single oar which had floated from the wreck, after long struggling and exposure, he reached the shore in safety, though much exhausted and enfeebled, and it was long before he recovered from the weakness and indisposition induced by this calamity. His recovery took place just at the time when the naval enterprizes of the Portuguese

were most signally successful and triumphant. His mind and imagination became fascinated by the fame of their remarkable discoveries, and he repaired immediately to Lisbon, with a view to learn what course they had pursued in accomplishing these results, as well as to investigate the data upon which their calculations were founded, and by which their efforts had been prompted and encouraged. Here, while pursuing his investigations, he formed a matrimonial alliance with the daughter of one Bartholomew Prestello.

Prestello was celebrated as well for the many voyages which he had performed, as for his superior skill and intelligence as a navigator. Columbus was permitted free access to the documents and charts of this illustrious adventurer, and, making himself also familiar with the accounts given of their discoveries by the Portuguese, he became inflamed with a desire to know more of the countries which they had visited. With this view he entered into their service, where he continued for several years, until he himself at length became one of the most skilful and scientific navigators of the age. His inquisitive and enthusiastic genius was easily affected by the spirit of curiosity and adventure which had been awakened, and he set about to devise something new and more splendid than any of the enterprizes which had yet been projected, and persuaded himself that discoveries still more stupendous and astonishing could yet be accomplished. With a mind at once capable and reflective, he carefully revolved and investigated the theories of ancient philosophers, and comparing these with the data furnished by his own observations, aided by his speculations upon the developements of more recent discoveries and the suggestions of his religious faith, he became strongly impressed with the

belief that the opinions heretofore entertained of the geography of the earth were erroneous and untenable, and concluded that a large portion of the western hemisphere must be composed of land, as well as water. The aim of all navigators at this period was to discover a new and more expeditious route to the East Indies than that which had been hitherto pursued around the Cape of Good Hope. Columbus calculated that if land existed in the western waters, it must be connected with these islands, and consequently supposed that by sailing in a westerly direction a new route to India might be discovered. These opinions were received with great distrust ; they were regarded not only as extraordinary, but as preposterous and chimerical, and a mind less capable of conceiving and comprehending great designs would have shrunk at once from the hostility, and even ridicule which the proclamation of them arrayed against their author. But Columbus was so fully persuaded that they were correct and true, that he resolved at once to put them to the test of actual experiment. Not possessing the means himself, he found it necessary to interest some one of the opulent powers of Europe in favor of his designs.*

The trade with the East Indies had been, hitherto, principally monopolized by VENICE and GENOA, and they had thereby acquired a degree of grandeur and greatness which moved the envy of all Europe. The balance of power between these two rival states, however, had long preponderated on the side of Venice, while the maritime strength of Genoa was in a weakened and declining condition. As we have already seen Genoa was the place of his nativity, and Columbus

* Robertson.

resolved that she should first reap the benefit to be derived from his speculations and adventures. He accordingly applied to her senate for their patronage, but his application was rejected, and his proposals and schemes were treated as wild and chimerical. Not at all daunted by this ruthless repulse he applied to John II. of Portugal. In a country already alive with the spirit of adventure, where he had long resided, in whose service he had been employed, where his personal worth and professional attainments were well known, he had every reason to look for a favorable listening to his views. His application was entertained by the crown, who directed his counsellors to investigate his proposals. They received him with jealousy and distrust. Having obtained from him a full exposition of his views, they put him off with an evasive answer, and then sought to deprive him of the honor to be won, by advising the king to fit out a secret expedition. But the designs of the monarch and his evil-minded counsellors were frustrated by the unskilfulness, the ignorance, and the cowardice, of those to whose management the expedition was entrusted.

Again and so treacherously baffled in his aims, Columbus indignantly repaired to the crown of Spain, while at the same time he despatched his brother Bartholomew to the court of Henry VII. of England to negotiate with that sovereign. Spain was at this period involved in a war with the Moors, and her court could not find leisure at once to listen to his proposals. In the mean time, by his personal address and his intelligence, he succeeded in winning to his views many men of rank, through whose influence the crown was induced to appoint a council of judges to examine into them. Here he was doomed to encounter a countless

variety of vexations and discouragements. He found ignorance, prejudice, and the more narrow and intolerant spirit of monastic bigotry arrayed against him. Superadded to these sources of vexation, he could hear nothing of the mission he had contrived to the crown of England. It seems that his brother Bartholomew had been captured by pirates on his voyage thither, and it was long after his release was effected, before he was in a situation to present himself before the crown. When he appeared he was received and heard by Henry with the greatest favor. But Columbus, receiving no intelligence of the result of his mission, and wearied and disgusted by the treatment himself was receiving from the court of Spain, now resolved to visit Henry of England in person. In making his preparations to do so he placed his children under the care of Juan Perez, who presided over the monastery of Rabida near Palos. Perez was a man of excellent character and great erudition, and was in great favor with Isabella. He became much interested in the speculations of Columbus, investigated them carefully, and had the utmost confidence in their success. He therefore urged him to suspend his purpose of leaving the country until he himself should solicit her majesty to reconsider the proposals made by him. Perez addressed a letter to her, for this purpose, urging that the subject well merited her most serious attention. In reply Isabella sent for Perez to come to SANTA FE, where the court was then residing on account of the siege of Grenada, in order that she might confer with him on the subject more particularly. The result was that Columbus was not only requested to abandon his purpose of visiting England, but was invited to court. To him this unexpected favor seemed like a ray from heaven. It dissipated his despondency and re-inspired

his hopes, while it also revived the confidence of his personal friends. On his arrival at SANTA FE, he proposed that a small squadron should be fitted out under his command—that he should be appointed hereditary Admiral and Viceroy of all the seas and islands which might be discovered by him, and that one-tenth of the revenues accruing should be settled irrevocably upon himself and his descendants. He offered to advance one-eighth of the sum necessary to carry out his designs, on condition that he should receive a proportionate share of the benefits resulting from the expedition,—and that if the project failed, or proved fruitless, he would ask no compensation or reward of any kind.*

Such were the liberal proposals of Columbus. But Ferdinand was less sanguine than his royal consort, and looked upon the proposed enterprize as futile, pronounced the claims of Columbus extravagant and unwarrantable; while he also urged that the funds required for the expedition were beyond the ability of the Crown to furnish from its now nearly exhausted and famished treasury. Isabella yielded to these suggestions of the King and his counsellors, and Columbus, again disappointed, withdrew in the greatest despondency. ALONZO DE QUINTILLA, comptroller of the finances of CASTILE, and LUIS DE SANTANGEL, receiver of the ecclesiastical revenues in ARRAGON, were the warm friends and zealous patrons of Columbus. Through them he became acquainted with other men of rank and affluence who had already actively interested themselves in seeking to promote his wishes. As their opulence furnished them with the means of doing so, he now applied to them to aid him with funds to carry on the proposed enterprise, but their reverence for their

* Winterbotham. Robertson.

Sovereign, and their high notions of loyalty, alone prevented them from embarking in a scheme which the Crown had discountenanced. Five years had thus passed away in fruitless and harrassing negotiations for patronage, since Columbus first projected those great enterprises which afterwards led to such brilliant achievements. But a mind like his could not be compelled to forego the completion of its darling purposes, while there was yet another power from which he might hope to obtain the necessary patronage and assistance. He now again resolved to proceed to the court of Henry VII. of England, who was reputed to be the most opulent and sagacious prince in all Europe.



CHAPTER IV.

IT is at once instructive and interesting to observe by what a singularly slight instrumentality, oftentimes, great revolutions are originated and accomplished ; and how not only the direct, but also the collateral causes set in operation by great events, forward the plans of the Omniscient. Incidents, seemingly the most trivial and unimportant, have a momentous bearing upon our characters and condition. They affect the purposes and aims of individuals, and through them, in their nearer or more remote sequences, the destinies of nations and of mankind. While moving in the sphere of their immediate influence we may not note their operation, but after the flight of years, when we come to look back upon the record of experience, we feel how much they have contributed to give to our career its complex-

ion and its shape. Just as Columbus had began to carry his resolution of visiting England into effect, the final overthrow of the Moorish dynasty by the conquest of Granada, was announced, and gave a new aspect to the affairs of Spain. The triumph filled Ferdinand and Isabella with the proudest exultation, and produced a liberality of disposition which was ready to interest itself in almost any enterprize which might add the lustre of munificence to the glory of conquest. The patrons and friends of Columbus, Quintilla and Santangel, availing themselves of the favourable posture of affairs, again came forward and presented the subject, in a well-devised address, to the Queen. While congratulating her on the auspicious triumph of her arms, they lauded the munificence with which she had hitherto always patronized all great enterprizes, and expressed their surprise at her indifference to a project "the most splendid ever yet proposed to any sovereign." They commented on the favorable terms upon which Columbus proposed to embark in the adventure, they spoke of his sincerity, evinced by his willingness to hazard his own life and fortunes in prosecuting his plans. Speaking of his design to retire to England, they represented the danger of losing irrevocably the benefits which might result from the success of his schemes, the glory which would ensue to his patrons, and finally, appealing to the piety of Isabella, spoke of the sacred honor which she might win by thus extending the dominions of the church, increasing its treasures, and bringing within its holy pale the degraded and benighted people of unknown and heathen lands.

This was the moment of all others the most opportune, and the appeal was not idly or ineffectually made. Isabella ordered Columbus to be instantly recalled, de-

clared that he should be employed on his own terms ; and entered so enthusiastically into his views, that, on Ferdinand again objecting the poverty of the treasury, she magnanimously threw down her jewels and offered to pawn them rather than that such an enterprise should be frustrated. Santangel was so overjoyed at the enthusiasm of the Queen that he seized and kissed her hand, and himself engaged to advance the sum required. While these scenes were enacting at court, Columbus was proceeding on his way towards England wholly unconscious of the efforts his friends were making in his behalf. When the courier of the Queen overtook him, and announced the revolution in his favor he was completely overpowered by the unexpected intelligence. He repaired at once to Santa Fe, where he soon forgot the wrongs and indignities he had suffered during eight tedious years of fruitless negociation, in the prospect of, and preparations for his voyage. Under these favorable auspices he set sail on the 3d day of May, 1492.



CHAPTER V.

WE do not propose to enter into a detail of the adventures of Columbus, nor does our present purpose require us to pursue any farther his personal history. He made several voyages whose astonishing results demonstrated, to some extent, the correctness of his theories respecting the structure of the globe, disclosed the existence of a world hitherto unknown to civilized society, and awakened among the rival powers of Europe

a bolder spirit of naval enterprize and discovery. Each became ambitious to extend its dominions over the New World, and to enrich its treasury, and each fitted out its expeditions. But in no country were these enterprizes of exploration entered upon with more ardour and alacrity than in England. We have already had occasion to note the circumstances which prevented Henry VII. from becoming the patron of that splendid scheme which discovered the continent of America. When it was proposed to him by the brother of Columbus his sagacious mind comprehended at once the magnificent project, and entered warmly into the designs of its author. The subject became a topic of free conversation in his court, the attention of scientific men was directed towards it, and a spirit of research and inquiry was consequently cultivated. The return of Columbus, his triumphant success, the discovery of a New World, and his fervid and enthusiastic descriptions of the countries in it which he had visited, which even in reality seemed far to surpass the brightest visions of the imagination, roused the attention of the whole kingdom, and the crown readily assented to the application of some of its subjects to embark in a similar enterprize. Her skill in navigation, however, was not now such as to enable England to carry out these purposes. The genius and energy of the nation had been long wasting in fruitless endeavors to subjugate France, and even after this ambition had abated she found herself the prey of internal commotions. For the space of two centuries, while commerce and the mechanic arts were making sure progress in the north and the south of Europe, England had remained almost insensible to the advantages of her position, and looked with indifference on the projects and arts which

have since become her boast, her pride, and her power. While other nations had been promoting the interests of trade and navigation, England had remained inactive, unaltered and unimproved. Her own ships and seamen had not ventured out of sight of her coasts, and were hardly acquainted with the distant ports of Europe.* Such being her condition it became necessary, in order to enter upon the enterprize of exploration, to look to other countries for seamen and navigators. Henry accordingly invested Giovanni Gabot or John Cabot, a Venetian adventurer, then at Bristol, with the chief command of such an expedition. To him and three of his sons, Lewis, Sebastian, and Sanctius, power was given to sail under the flag of England, in any direction, to discover countries as yet unknown to any Christian nation, and to take possession of the same in the name of the crown of England. This commission was dated March 5, 1495; but Cabot did not set sail on the enterprize proposed until May 4, 1497, when he embarked at Bristol, with his son Sebastian, on board of a vessel which was furnished by the crown, accompanied by a squadron of smaller vessels prepared and furnished by a company of merchants of that city. The more immediate aim of this enterprize was to discover a new route to the East Indies, which, as we have before remarked, it was then generally believed could be accomplished by sailing directly westward. The countries which Columbus had discovered were supposed to be a part of the continent of Asia, and the islands adjacent, to belong to the "long chain of Indian islands;" hence the country was called the West Indies, and the inhabitants received the appellation of Indians. In accordance with the prevailing opinion

* Bigland. Robertson.

Cabot directed his course due west. After sailing to that point for several weeks he discovered the Island of Newfoundland. A few days afterward he discovered the Island of St. Johns. He landed at each of them, made some observations on the nature of the soil and the climate, took possession of them in the name of the crown of England, and embarked, taking with him three of the natives. Holding his course still to the west he reached the continent of North America, and sailed along the coast from 56° to 38° N. L.—from Labrador to the coast of Virginia. Discovering no inlet which seemed to promise a communication with the Southern or Indian Ocean, he did not land, but, on the twenty-fourth day of June, returned to England without having made any advances towards a conquest or settlement of the country.

If priority of discovery had at this time been regarded as conferring an absolute title in the new country, Henry might have taken advantage of the results of this expedition, to annex this portion of it to his own dominions. But the return of Cabot found the nation embroiled in a war with a neighbouring Island, while she had scarcely recovered from the civil feuds which had recently convulsed her western provinces. Henry too was at this time too solicitous of retaining the friendship of Ferdinand of Arragon, being engaged in negotiating an alliance between his eldest son and Catharine, the daughter of that monarch. He therefore, courteously rather than justly, conceded that the islands and territory which Cabot had discovered might lie within the limits of the very liberal grant made to Ferdinand and Isabella, by Pope Alexander VI.; nor had even kings, in that day, the hardihood or impiety to question the validity of a donative from the See of

Rome. These circumstances and considerations induced Henry to abandon the idea of another expedition to the new continent, and no further improvement was made of the discovery, except that the private enterprize of a few individuals carried on a fishing and fur trade with the natives. A period of more than sixty years was permitted to pass away before the crown of England became again actively interested in its discoveries in America. A variety of causes had combined to withdraw its attention from a subject which was destined to become one of deep and thrilling interest to the whole world. It was reserved for the spirited and efficient reign of Elizabeth in a measure to accomplish what her predecessors had, through effeminate indolence, papal fear, negligence, or want of ability, left so shamefully undone. The peaceful reign to which she succeeded, and the tranquillity which attended the first thirty years of her own auspicious administration, had combined to promote the growth of commercial enterprize, to give a wider range to the investigations of science, to encourage the mechanic arts, and to protect and foster all the departments of learning and industry. The rapid progress she had made in the art of navigation, had, in a few years, nearly outrun the attainments of more experienced nations, a navy was built up, seamen were fostered, and adventurers multiplied. The wide field of naval enterprize into which Elizabeth sent forth her subjects quickened their energy, while their achievements were the most admirable and astonishing which history had yet recorded. But we must pass by the various projects for discovery which gave lustre to her reign, and confine ourselves more particularly to those which may be regarded as the origin of our own governmental history.

CHAPTER VI.

It was her jealousy of rival powers, coupled with a desire to extend her own dominions, which prompted Elizabeth to turn her attention to the New World. The vast revenues which SPAIN was reaping from her colonies in America, excited her emulation, and she resolved to settle the country which had simply been discovered, and but carelessly visited. A plan for establishing a permanent settlement had been already projected by men of rank and opulence. It was submitted to Elizabeth, and on the eleventh day of June, 1578, Sir Humphrey Gilbert, its principal projector, obtained from the Queen a patent, authorising him "to discover and take possession of all unknown and heathen lands wherein no Christian people were dwelling or abiding"—giving to him and his heirs full right and title to all the countries of which he might take possession—to be holden of the crown of England, rendering homage, and paying one-fifth of whatever gold or silver ore might be found therein—with power to him and his heirs to dispose of any portion of the same to settlers in fee simple, *provided always*, that such sales should be made agreeably with the laws of England—the settlers to have and to enjoy all the privileges of free denizens and natives of the mother country, any law, custom, or usage to the contrary notwithstanding. Sir Humphrey and his heirs were to have complete administration over all the settlements planted by him, with all powers and royalties, marine, civil, and military; with power to convict, pardon,

punish, govern and rule, as well in cases capital or criminal as civil, both maritime and other, all persons who from time to time shall settle therein, according to such laws, statutes, and ordinances as by him, his heirs, or assigns should be devised or established for their better government." Free and full permission was given to any of her subjects who might be disposed, to go and settle in those countries, while all persons were "prohibited attempting to plant an independent colony within two hundred leagues of any place which Sir Humphrey Gilbert, or his associates should have occupied, for the space of six years."

Such were the liberal powers and immunities with which Sir Humphrey Gilbert was endowed, and which were to encourage the expedition proposed for planting a settlement on the shores of America. His personal worth and consideration, united with the distinguished exertions of his half brother Sir Walter Raleigh, soon procured a number of associates in the adventure. But the success of the enterprise was not equal to the zeal of its patrons, or the efforts of its projector. He made two attempts to plant a colony, during which nothing further was accomplished than to take possession of the country in the name of the crown of England. The absence of all knowledge of the country, the insufficiency of the preparations made for establishing a settlement, the mutinies and insubordination of the crew, and the loss of his most valuable vessels, were the principal causes which operated to prevent the accomplishment of the designs of this enterprise. They were at length fully frustrated, by a violent storm encountered off the cold and barren shores of Cape Breton, during which Sir Humphrey perished by shipwreck.

The bold and zealous spirit of Sir Walter Raleigh,

who did not accompany these expeditions, was not dismayed by the unfortunate fate of his kinsman. He made an application to the Queen; and on the 27th April 1584, received a patent containing as liberal a bestowment of powers and privileges. Under its provisions he fitted out a small squadron, which made a few discoveries farther to the South, but did not effect any settlement. Sailing up Albemarle and Pamlico sounds, they engaged in a little traffic with the natives, derived from them some information of the country, and taking two of them on board returned again to England in the following September. The season of the year at which they approached the coast of America, combined with the general aspect of the country and the purity of the climate, to produce the most pleasing impressions upon these adventurers. The eye was never tired with gazing upon, and the imagination was bewildered by, the wild scene of beauty and luxuriance which opened before their astonished vision. The majestic bay, the verdant island, the placid river, the rich forest, the exuberant soil, and the salubrious clime, were a most grateful sequel to the fatigues, the hardships, the perils and the exposure of their uncertain and tedious voyage. They were remembered and described on their return with the most glowing enthusiasm. Elizabeth became so fascinated with their descriptions, that she bestowed upon the country the name of VIRGINIA, in memorial that a discovery so felicitous had been made under the auspices of a virgin Queen.

Sir Walter Raleigh also derived encouragement from these descriptions to make further preparations for a settlement of the country, and accordingly fitted out another expedition which sailed on the 9th April 1585. It consisted of seven small vessels under the direction

of Sir Richard Greville, who planted a colony at Roanoke, and, entrusting the government of it to Ralph Lane, returned again to England in August of the same year. This plantation consisted of about 108 persons, who were chiefly occupied in making scientific observations and acquiring information as to the resources of the country. The approach and progress of winter, the failure of their stores, and the ravages of disease, conspired to enfeeble and diminish their numbers, and to threaten their entire extinction. In the month of June 1586, they were cheered by the arrival of Sir Thomas Drake, who was then returning from a naval expedition against the Spaniards in the West Indies, and availing themselves of this opportunity, they all embarked for England. Among this handful of adventurers, whose necessities thus compelled them to return to their native land, was one Hariot, a man of much learning and science, and great practical intelligence. He had employed himself industriously during his adverse residence on the new continent, in philosophical researches, and in making observations on its soil, climate and productions; and the manners, customs and extent of its native population. The result of his investigations was given to the public, was sought after and read with great avidity, and increased the already glowing desire of the nation for the occupation and settlement of the country. The principal product of the soil cultivated by the natives was Tobacco, which was at this date first introduced to the acquaintance of civilized society, for says the historian of those times "the use of it was fondly adopted by Raleigh and some young men of fashion."

Early in the succeeding year, 1587, Sir Walter Raleigh fitted out a third expedition under the direction of Capt. John White, which was composed of a large num-

ber of adventures both male and female. Capt. White was instructed to plant the colony on the Chesapeake, but arriving at Roanoke in the month of July, when everything combined to give the most favourable impressions of the station, he determined to remain there. The charter under which this colony was planted named them as "*The Governor and assistants of the city of Raleigh in Virginia.*" Under it, Capt. White was appointed their Governor with twelve assistants, who together constituted a board, or Council, in whom resided executive and legislative powers. But the leaders of this enterprise had not profited by the experience and the fate of former adventurers, and, after the first flow of joyful emotion on account of their safe arrival had subsided, and they began to realize their true situation, they were surprised to find themselves on a shore covered with thick and interminable forests, inhabited by naked savage tribes, and that they were but poorly provided with the means of sustenance, or the appliances necessary for their settlement, safety, and comfort, in so wild a region. A request was unanimously made that Capt. White would return, and solicit from their patrons at home, such supplies as were needful for the maintenance and preservation of the colony. His appearance in England with this view, however, happened at a most unfavourable juncture, just as the famous Armada of the Second Philip of Spain was threatening the kingdom. Raleigh and his coadjutors were now occupied with the more thrilling and momentous interests of their own country, the few and enfeebled adventurers who languished in the distant coast of America were forgotten or neglected, and left to perish without sympathy or consolation: Governor White came over again in the year 1590, with supplies

and recruits for the colony, but he found no one to tell the history or the fate of those he had left there, and he returned again to England.

Thus terminated the last attempt made during the reign of Elizabeth to settle Virginia. Sir Walter Raleigh, whose commanding genius and splendid accomplishments gave lustre and energy to whatever enterprise he extended his patronage, had conceived a new project of settling a large district in Ireland of which he had received a grant from the Queen. Other projects equally fascinating, and rendered the more attractive to his restless spirit because of the difficulty of their achievement, at the same time interested his attention and supplanted the late favourite idea of settling VIRGINIA. He transferred all his interest in the territory of that colony, by assigning his patent to Sir Thomas Smith and a company of merchants, under whose auspices several voyages were made for the purposes of traffic with the natives, but they were not attended with any praise-worthy attempts to meliorate the condition of the country. Thus at the decease of Elizabeth in the year 1603, notwithstanding all the enterprise that had been lavished, the lives which had been sacrificed, and the wealth which had been expended, there was not one white man living in Virginia: Without staying to speculate upon the various causes which had operated to prevent a permanent settlement in the country, the fact is one which addresses itself with a singular interest to the reflective mind. The conviction can hardly be resisted that this portion of the new world was marked out by the Omniscient Ruler of nations as a spot where should be witnessed the origin of a nation, the history of whose government and institutions should mark the developement of principles in

the human character, and in human government, such as the annals of mankind had never yet recorded. These shores did not, like those discovered by the Spanish and Portuguese navigators, abound in mines of gold or of silver ore; they presented only an extended, a luxuriant and fertile soil: they opened no fountains whence the possessors might draw instant wealth, without labour or industry, but their value was to be known, and their profit gathered only in the fulfilment of that anathema "in the sweat of thy brow shalt thou eat thy bread." No votary of pleasure, no lover of indolence or of luxury, no effeminate scion of royalty, could find a place convenient for him on these shores. They were destined to be the abode of a mighty, magnanimous, and influential people, and must be settled by hardy, industrious, and well-bred adventurers.

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CHAPTER VII.

It is not till after the accession of the first James to the throne of England in 1606, that we find recorded any further attempts at a settlement of the Continent of North America. The first permanent one was made under the auspices of his reign. He divided that portion of the continent which lies between 34° and 45° of north latitude into two parts, nearly equal. The one he denominated the NORTH the other the SOUTH COLONY OF VIRGINIA. He made a grant of the latter division to Sir Thomas Gates and others, who were mostly residents at London; authorising them to settle any part of it they might choose. This portion was

included between 34° and 41° north latitude, and the jurisdiction of the company was to extend along the coast for fifty miles north and south of the spot where the colony should first locate, and back into the interior one hundred miles.—The northern division was comprehended between 38° and 45° north latitude, and was granted to "*certain knights, gentlemen, merchants and others, adventurers, of Bristol, Exeter, Plymouth and elsewhere.*" Their jurisdiction extended over the territory in the same manner with the other, *provided* that the settlements of either company were made so that their respective plantations should be separate from each other about one hundred miles. These associations were incorporated into a company for the purposes of trade, with power to have a common seal, and also to act as a political body, and were denominated respectively—THE COLONY OF VIRGINIA, and THE PLYMOUTH COMPANY. It was provided that the supreme government of the Colonies which these several associations should plant in America should be vested in a Council resident in England, and appointed by the crown. Subordinate jurisdiction was vested in a President and Council, resident in the Colony, who were appointed by the Crown, and required to exercise their functions in conformity with such regulations as might be devised by the crown and council in England. Their ordinances were not to extend to life or limb, were to be in conformity with the laws of England, and were to continue in force until made void by the crown and council in the mother country. High crimes, such as tumult, mutiny, murder, rebellion and incest, were to be punished in England, and lesser offences, by the President and Council of the Colony in their discretion. The colonists were

required to take an oath of allegiance to the crown, and of obedience to the colonial administration, and were to have and enjoy all the rights, privileges and immunities of free-born natives of England; and were to hold lands upon the same tenure by which the same estates were held there. The Church of England was to be the established religion of the Colonies. It was also provided that exports necessary for the colonies should be sent to them free of duties for the space of seven years. The colonists were allowed to trade with foreign countries, and duties were to be levied on foreign commodities imported into them, to be appropriated for their special and sole benefit for the space of twenty-one years. "Thus," says Dr. Robertson, in commenting on this part of their history, "without hesitation or reluctance the proprietors of both colonies—*Virginia and Plymouth*—proceeded to execute their respective plans, and under the authority of a charter which would now be rejected with disdain, as a violent invasion of the sacred and inalienable rights of liberty, the first permanent settlements of the English in America were established."

It is easy for us, looking back to this period of our history upon these governmental regulations, to discover the origin of those principles which afterwards became so obnoxious to the colonists, and so fatal to the power of the crown in America. But while, to our view, they seem so wholly to disregard the actual political rights of the settlers, and so disastrously to invade their liberties, we are not surprised that they met with so ready an acquiescence among them. It should be remembered that the territory on which the settlements were to be made was claimed by, and it was admitted that the title resided in the crown, and it could

hardly be supposed that the crown would divest itself of all interest or concern in its government. The object aimed at was to make it available as a part of its dominions, and the advantages derived both to the settlers and the proprietors, were regarded as a sufficient compensation, or equivalent, for the conditions and restraints to which they were subjected. It is but doing justice to the spirit, the designs, and the relations of the parties to this compact of government ; it is but justice to the prevailing sentiments of those times ; and more truly is it justice to the progress of free principles and the subsequent triumphs of civil and religious liberty, to say that the plan devised, however imperfect and exceptionable it may now appear, was originally framed with a view to protect and promote their several rights and interests. We have already seen how gradually the human mind awakened from the darkness which had humbled it, and in the brighter progress of our own history we shall see how gloriously it ultimately cast off the shackles which ignorance, and prejudice, and superstition, and bigotry had for ages bound around it. "From this period," says the same historian "the progress of the two provinces, *Virginia* and *New England*, form a regular and connected story. The former in the south and the latter in the north, may be considered as the original and parent colonies in imitation of which, and under whose shelter all others have been successively planted and reared." But as the settlements made in the colony of *Virginia* were of an earlier date, and as it better subserves the design of this work, we propose first to trace its history and will then proceed with that of *New England*.

CHAPTER VIII.

WE have already had occasion to observe the peculiar disadvantages under which these early settlements were attempted. Without entering into a particular detail of the trials, hardships, dangers and sufferings with which the colonies had to contend in their infancy, we will find abundant matter for pleasing and profitable speculation to trace their advancement, and mark their progress through all these perils, till we find them assuming a rank and consideration, which from its more intimate bearing on our own governmental history, deserves our most interested attention. "It will exhibit a spectacle no less striking than instructive, and presents an opportunity which rarely occurs, of contemplating a society in the first moment of its political existence, and of observing how its spirit forms in its infant state, how its principles begin to unfold as it advances, and how those characteristic qualities which distinguish its maturer age are successively acquired."*

The first expedition which was fitted out for the southern colony of Virginia, sailed from London under the direction of Capt. Newport, on the 19th day of December, in the year 1606. It consisted of one vessel of about one hundred tons burthen, two barques, and one hundred and five persons. They bore with them sealed documents which contained the names of the council appointed for the government of the colony in America; which were to be opened and the persons proclaimed within twenty-four hours after they should

* Robertson.

arrive at the coast of *Virginia*. The point of their destination was Roanoke. After having been out about four months they lost their reckoning, and while deliberating upon the expediency of returning to England, they were driven by a violent storm into the mouth of the Chesapeake Bay. On the 26th of April, 1607, they descried it's southern point which they called Cape Henry, where a small party of them attempted to land, but being opposed by the natives and some of them being seriously wounded, they returned again to their vessel. A few days afterward they discovered a point which they called Cape Charles. They soon after entered the mouth of a large river which they called *James River* in honor of their sovereign. Proceeding some distance up its channel they landed on the 22d June, and planted a settlement which they called Jamestown. Having opened their documents and proclaimed the names of the council, they proceeded to elect a president, when Mr. Edward Wingfield was chosen to fill the office. Capt. Newport sailed for England on the 15th of July following, leaving at Jamestown one small vessel and one hundred and four colonists. Previous to his departure their necessities were supplied from the stores which had been laden on board of the ships. That which was left to them, having received much damage during the voyage, was rendered deleterious and unpalatable by the progress of decay. Thus they became a more easy prey to the diseases of the climate, and before the frosts of winter came to check the progress of sickness among them, about fifty of their number were consigned to the tomb. The hardships to which the survivors were subjected produced a jealousy of the superior comfort in which their president was supposed to live, gave rise to dissatisfaction and

dissension, which resulted in his being deposed, and in the election of Mr. Radcliff to the vacancy. The new president, however, had no more means, nor had he the ability to heal the maladies which now threatened the extinction of this small colony. Its numbers were few, they were without wholesome provisions, were scarcely clothed, and being exposed to all the diseases incident to new countries, were much enfeebled. Superadded to all these sources of embarrassment they were daily annoyed and alarmed by the unrelenting hostilities of the natives. If human instrumentality could effect it, it needed the outlay of superior energy, and the influence of commanding talents to accomplish its preservation. In this emergency Capt. Smith was chosen to superintend its affairs. By his skill and exertions a small fort was erected of raw materials for their defence, the natives were discomfited, and the almost expiring colony was restored to a healthful vigor.

While reading the history of mankind, it is at once interesting and instructive to observe how the destinies of the human race are forwarded by that omniscient mind which surveys and directs, and whose mysterious operations control, the allotments of men and nations. Without knowing that this feeble colony was indeed the germ of a future nation, we might wonder at the folly and temerity of those who would seek to sustain it, as affording the least prospect of ameliorating the condition of the country in which it was planted. Scarce had it begun to revive under the efficient administration of its new head, before it was overtaken by a calamity which human wisdom pronounced the signal for its final and complete desolation. In devoting himself assiduously to the duties of his station, and seeking to promote the interests of the colony, as

well as the designs of his sovereign, Captain Smith undertook to explore to its source a neighbouring river. While engaged in prosecuting this object he was surprised by a party of Indians. He offered a resolute resistance to their numerous force, till, finding himself about to be overpowered, he sought safety in flight, but becoming entangled in a swamp was made their prisoner. He elicited their veneration, and preserved himself from immediate massacre by exhibiting to them a mariner's compass. They bore him in savage merriment and exultation through several of their villages, and finally conveyed him to the tent of Powhattan, the most powerful and renowned chief of their tribe.* The chief sentenced him to death, and the sentence was directed to be executed by placing his head on a block and beating it to pieces with a club. Pocahontas, the favorite daughter of the king, now about thirteen years of age, had become deeply interested in the pale stranger, and anxiously supplicated for his life. But Powhattan had grown suspicious of the designs of the white man and was inexorable, and the prisoner was led out to be executed. His head was fastened to the fatal block, and the instrument of death was impending over him. Just as it was about to descend Pocahontas rushed forward, threw herself upon the victim, and covering his head with her own, stayed the blow of the executioner. The chief was afterwards persuaded to spare his life, and after exchanging pledges of amity, liberated and sent him to Jamestown.

Captain Smith had been absent about six weeks, and a less resolute and daring spirit than his would at once have yielded to despair at the condition in which he found the colony on his return. It was reduced to the

* Marshall.

number of thirty-eight persons, who were just about to quit the country when he arrived. Not being able to persuade them to desist from their intention, he resorted to compulsion. Turning the guns of the fort upon the bark, he presented to them the alternative to die or remain, and thus prevented their departure.*

CHAPTER IX.

THIS adventure of Captain Smith resulted in producing such a spirit of amity and conciliation among the natives that he thereafter obtained from them all needful supplies of provisions, by which means this remnant of a colony was preserved from perishing. At this crisis in their history a vessel arrived from the mother country laden with supplies for the colony, and bringing about one hundred and twenty persons, consisting of "gentlemen, mechanics, and artificers." Although this timely accession to their numbers materially brightened the prospects of the colony, its advancement was retarded by that bane of all human happiness and prosperity, the love of gold. Some shining dust was discovered in the bed of a neighbouring stream which was mistaken for that metal, and the settlers were so carried away with the idea of suddenly enriching themselves that they could think of, or do nothing else but hunt after it. The first exportation ever made to the mother country from this continent, was at this time, in two barques, one freighted with cedar and the other with this dust.* It is almost impos-

* Marshall.

sible to conceive how much the growth and prosperity of the settlement were retarded by this singular delusion. It was preserved only through the able and judicious administration of Captain Smith, the full extent of whose usefulness and efficiency in laying strong and sure the basis of its permanency cannot be too highly extolled or appreciated. It may be to some extent understood when we state, that the explorations which he made of the country now comprehended within the limits of Maryland and Virginia, and the charts which he drew of its rivers, bays, inlets and harbours, with the accounts which he gave of its resources, were so full and accurate that "after the progress of information and research for a century and a half, they exhibit no inaccurate idea of both countries, and are the original on which all subsequent delineations and descriptions have been formed."* The colony remained under his auspicious administration until the year 1609, when, having been severely wounded by an explosion of gunpowder, he was obliged to visit England for medical treatment. He left it with a population of about five hundred persons, sixty comfortable and convenient dwellings, various implements of husbandry, and other appliances for its preservation and prosperity. But the life and vigor which he had infused seemed to have departed with Capt. Smith. He had scarcely gone before the colony relapsed into a state of faction and misrule, every principle of self-preservation seemed to be lost, and it was fast verging towards destruction. Divided and contentious among themselves, they stirred up strife with the natives, while they thus became a more easy prey to their treachery and cunning. In less than six months their numbers were reduced to

* Robertson.

about sixty souls, who must inevitably have perished, but for the timely arrival of Sir Thomas Gates and others from the West Indies, with whom they proposed to sail for England. They accordingly embarked with this intent on the 10th of June, 1610. Before they had fairly got under way, they were met by Lord De La War and others, who, persuading them to return, recruited their diminished numbers, supplied their necessities, and resettled them at Jamestown. Lord De La War had obtained from the *South Virginia Company* a patent constituting him Governor and Captain General of the colony. He entered upon the discharge of his official duties with energy, firmness and decision. He restored to the colonists union, harmony and good government, while at the same time he inspired the natives with great awe of his authority. But his declining health did not permit him long to discharge the duties of this important and responsible station. He resigned the government into the hands of Mr. Percy, and sailed for the West Indies, leaving about two hundred inhabitants in the colony, in the enjoyment of health, tranquillity, and plenty.

On the tenth day of May, 1611, Sir Thomas Dale arrived from England, with a full supply of stores and provisions, and a large number of settlers. He found the colony in an alarming state of confusion and anarchy, and was obliged to proclaim martial law in order to reduce them to quiet and subordination. He was succeeded by Sir Thomas Gates, who arrived a second time in the colony in August of the same year, with six vessels freighted with men, provisions, and other stores. In the following year, 1612, a new charter was issued to the *South Virginia Company* which annexed to the original grant "all the Islands of the Ocean

lying within three hundred leagues of the coast of Virginia." Besides the provisions already mentioned this charter ordained that a *General Court* of the Company, should be held four times a year for the determination of all matters of general interest and importance, and that it should meet weekly for the transaction of ordinary business.

From this period we date the permanent and prosperous settlement of this plantation. Hitherto property had been held in common by the settlers, and, according to royal instructions, the produce of labour and cultivation was deposited in public stores, and thence distributed alike to all. But now the President divided a portion of the lands into lots of several acres each, and granted one of them in full right to each individual. The beneficial effects of this new policy was at once perceptible in the influence it had upon the habits and dispositions of the colonists, and the rapidity with which it promoted the growth and improvement of the entire plantation. Property being thus distributed, and each individual reaping a reward proportioned to his own labours and exertions, the virtues of industry and frugality were cultivated, and personal enterprise was awakened and encouraged. Sir Thomas Gates returned again to England in 1614, when the government of the colony devolved again upon Sir Thomas Dale. The effect of dividing the territory into portions, and allotting them to individuals as their own property, to be cultivated for their own benefit, was found to be so much more subservient to the interests of the colony, that the system of labouring in common, and depositing the products of this labour in public stores for the common benefit, was now entirely abandoned. The Company in England, convinced that this was the

surest way of peopling the country and encouraging emigration, gave notice that fifty acres of land would be given to each person who emigrated. The consequence of this was that large numbers of persons were induced to plant their families, and try their fortunes, in this new country. In 1615 the colonists undertook the cultivation and exportation of Tobacco, but the attempt to introduce it into the polished circles in the mother country excited the odium of the Crown, and the contempt and ridicule of the principal members in Parliament. At length James issued a pamphlet against it which he called *a counterblast*, and the Company was required to prohibit the cultivation of it in the colony. Notwithstanding it has outlived this prejudice, and has since become not only a profitable article of commerce, but its use also as a beverage, though none the less odious and disgusting in some of its forms, is freely adopted in almost all parts of the world.



CHAPTER X.

IN 1616 the government of the colony was entrusted to Sir George Yeardley, who, after a mild administration of about one year, returned to England, and Captain Argal was appointed to the Presidency. Argal was a man of enterprise and ability, but of a cold, selfish, and domineering disposition. He proclaimed martial law, and ruled over the colonists with a rigorous and unnecessary severity. He imposed arbitrary and oppressive restrictions upon their trade, inter-

dicted the sports of the forest, and inflicted the penalty of slavery upon all who refused to attend church on Sundays, or holy-days. The colonists laid their grievances before the Company in England, who appointed Sir George Yeardley to examine into the wrongs of which they complained. Mr. Yeardley arrived again in the colony, in pursuance of his commission, in the year 1619. He called a general assembly of the colonists, but as their settlements had become widely extended, and it was inconvenient for the people generally to assemble, the convention was formed by delegates from the several plantations in the colony, who were permitted to assume the high and proud prerogatives of legislators. Eleven towns or boroughs were represented in this convention, and the representatives were called Burgesses. The ordinances passed by this assembly were not numerous or of particular importance, except an act dissolving martial law which had been established by Argal. The principal object of the President, or, as he was now denominated, the Governor, in calling this convention seems to have been to soothe the spirit and feelings of the people, who rejoiced to find themselves exercising the privileges and functions of English freemen. This was the first *representative assembly* ever held in America, and forms an interesting and important æra in the governmental history of the colonists. It gave them a taste for legislative liberty which could never thereafter be offended with impunity. Hitherto they had had no voice in the administration of affairs, but the powers of legislation had been exercised either by the Company in England, or by a council or officers of their appointment in the colony.

The progress of their settlements, the expansion of

their resources, and their generally increasing prosperity, now relieved the people from the perplexities and embarrassments which had attended their earlier history, and they found leisure to devote themselves more carefully to the general interests and concerns of the colony. Turning their attention to the charter regulations of the Company, they began to discover the impropriety of many of its provisions, and gradually to emerge from that quiet and easy spirit of acquiescence in which they had so long reposed. In their assemblies there appeared many popular orators, who exposed the injustice of the policy pursued by the crown and council in England, and whose denunciations of the same were bold, manly, and energetic. The conditions and limitations to which they had submitted in their infancy, were felt as restraints beyond the measure of which the spirit of liberty soon swelled itself, until the cry went forth, loud and incessant, that to them should be extended all and unqualified the privileges of free natives and denizens of the mother country. They succeeded at length in procuring the publication of a new charter, which was issued in the year 1621, erecting the government of the colony in a more constitutional and enduring form. It was composed of a Council of State who were appointed and removable by the Company in England, and with a Governor, formed the executive branch. The legislative powers were vested in the Governor, Council, and Burgesses or delegates from the several towns, who were chosen by the people of the boroughs or towns which they represented. This assembly was authorised to enact all laws, and pass ordinances, necessary for the regulation and protection of the interests and relations of the colony. Their deliberations were controlled by a ma-

majority of the members, while a negative on their enactments resided in the Governor. Their ordinances were subject to the revision of the General Court of the Company, in England, and were to be ratified under its seal ; while on the other hand no order of the General Court, was binding upon the colonists unless the same was assented to by the General Assembly. It was further provided that the General Assembly of the colony should " imitate and follow the policy of government, laws, customs, and manner of trial, and other administration of justice used in the realm of England as near as may be."

Under this organization the Governor was supposed to represent the King, the council to answer to the Peerage, and the delegates to the house of commons ; such at least is the analogy to the constitution of England which is fondly traced by her historians. But in attentively perusing the history of her colonies in America, we discover far more interesting and important developments of free republican principles, and a more noble and generous regard for the rights of man, in their departures from, than in their assimilations to, the constitution and laws of the mother country. Under a policy and frame of government so much more favourable to the interests and liberties of the colonists, though in many of its features still objectionable, the prosperity of the colony was greatly promoted. Constant accessions were made to its numbers by the arrival of new adventurers, additional towns were erected, and the number composing the representative assembly was increased. This increase of their settlements, and wide dispersion of the population, was found to render the existing administration of justice inconvenient and almost impracticable, inasmuch as the judicial powers

were vested exclusively in the Governor and Council, who held their courts at Jamestown. To obviate these evils inferior courts were established whose jurisdiction embraced a certain district composed of a convenient number of towns associated together, which were called counties. These courts were called county courts, the first of which was held in the year 1622. Appeals lay from these inferior courts to the superiour tribunal of justice.

CHAPTER XI.

THE rapid growth, and more frequent deliberations of the assembly of the colony, led to a still further exposition of the objectionable features inherent in the policy of their charter governments, and emboldened them more freely to assert, as well as to oppose, any infringement of their rights or liberties. James and his ministers looked with jealousy and apprehension on these symptoms of increasing strength and seeming independence. Attempts were accordingly made to check the freedom of their debates, and to bring them back again to their original state of quiescence and subjection. But these attempts rather than proving effectual had the effect to link the colonists more firmly to each other. Finding the measures resorted to unavailing, the King at length had recourse to his prerogative. In its unjust and arbitrary exercise he issued a commission appointing commissioners to enquire into all the transactions of *The South Virginia Company* from its first organization. The result of this investigation,

agreeably with the design with which it was directed, was made the pretext for depriving the *Company* of its charter. The consequence of this was a dissolution of its incorporation, and an escheat of all the privileges, powers, and immunities which its charter had conferred.* Although the existence of this company in England had not been in itself directly favorable to the rapid advancement of the colony in America; although its government over the settlers had been, in its spirit and provisions, rigorous and arbitrary, and had tended rather to their oppression, still its dissolution was regretted. It was more easy of resistance, and, as we have seen, had been practically deprived of much of its authority, or awed from the exercise of its most odious powers, by the ready and indignant resistance of the colonists to any unwarrantable infringement of their liberties. But the entire prostration of the company, and the assumption of direct and absolute control over them by the crown, seemed a death-blow to many of the institutions of government and association which had grown up among them. It is interesting to observe how in the natural course of things the principles of civil liberty were here developed and grew. While but a handful of needy adventurers, they readily yielded to the control of a company on whose supplies and protection their very existence depended. But as they grew in numbers, in strength, and in the resources of self-dependence, they overawed that company and disregarded its ordinances. At this crisis the crown steps in to claim its prerogatives of sovereignty over them. But they had developed principles, and founded institutions of government among themselves which were hostile to those prerogatives, and against which it was

* 1623.

in vain for the crown to war. In February, 1624, the General Assembly of the colony convened, and, after adopting certain rules and regulations which were submitted by the Governor and Cotuncil, they declared "that the Governor should not impose any tax upon the colony unless through the authority of the General Assembly : nor withdraw the inhabitants of the colony from their labour to employ them in his own service." They also passed a law at this session, exempting the Burgesses from arrest during the convention of the Assembly. James had, by a special commission, appointed a Council of twelve persons to take direction of affairs in the colony until such time as he could find leisure to frame an appropriate and permanent code for their government. These commissioners attempted to procure from the Assembly an address to the king, acknowledging their acquiescence in his revocation of the patent of the company in England. But they refused to do anything more than to express their satisfaction that his majesty had taken the concerns of the colony under his own care ; while they entreated that their sovereign would graciously continue to them their then form of government, and would also permit their Governor and Assembly to direct the operations of such military forces as might be placed among them. We will not stop to speculate upon the probable consequences which might have resulted to the colonists from the ordinances which James' wisdom and sagacity might have seen fit to devise. Death, that haughty leveller of all human projects and aspirations, withdrew him from the scene of life. Yet it were neither idle nor unprofitable speculation, to note the changes which were consequent upon the interruption of his plans. It is one of those startling incidents, so abundant in our country's annals,

which teach that there is an Omniscient mind surveying and directing the destinies of the world, and regulating the allotments of mankind, and which serve to attach us to our institutions by the enforced conviction that they were in their origin, have been in their progress, and will be in their continuance, the objects of His especial protection.

The first Charles was not unlike his predecessor in his ideas of sovereignty, though of a more weak and wavering disposition. James had educated him to entertain high notions of the kingly prerogatives, and "though he was virtuous in his domestic and private life, in relation to his kingdom, he disregarded justice and the rights of the people, as much as if he had been wicked and tyrannical."* He adopted the maxims of his father, not only in relation to his home administration, but also with reference to the colonies in America. He declared that they were a part of the Empire annexed to his crown, and subject to his sovereign control. The Council appointed by James, with Sir George Yeardley as Governor, and a Secretary, were appointed to superintend the affairs of the colony, conforming their administration to whatever instructions they should from time to time receive from the crown. They were also directed to take the property of the late company and apply it to the public use. It was not a part of the provisions directed by Charles, nor was it his intention to continue the assemblies of the people, or to allow them any participation in enacting their laws, or in imposing taxes. These powers were vested exclusively in the Governor and Council. It was further directed that offenders should be transported to England to be tried and punished for crimes

* Bisset.

charged against them, or committed, in the colony : The oppressive nature of these provisions was not felt during the mild and liberal administration of Governor Yeadly. He was succeeded in 1629 by Sir John Harvey, a man of a rapacious and tyrannical spirit, insolent and overbearing in his deportment. He invaded their right of property, embarrassed their trade, and inflicted upon them the most oppressive indignities. For a while, out of respect to his commission, they submitted to his rule, but in the year 1636, their loyalty being taxed beyond the limit of endurance, in a transport of rage, they seized and sent him a prisoner to England. So summary a method of redressing their wrongs, was revolting to Charles' ideas of the submission and homage which were due from his subjects. He regarded it as a daring act of rebellion, and the Governor was sent back with powers less limited and enlarged prerogatives.

CHAPTER XI.

THE domestic troubles which threatened Charles I. soon after his accession to the throne, left him but little leisure to interest himself in the administration of affairs in the colonies. At the same time he was apprehensive lest the grievances of which they complained reaching the ear of the nation, might increase the discontent and hostility which his home-administration had already excited. He accordingly countenanced a more lenient policy by way of conciliating them. In this change of measures, Sir William Berkley, a man

of superior worth and endowments, of mild and engaging manners, was appointed their Governor. He was directed to proclaim, that in all its concerns, civil and ecclesiastical, the colony should be governed according to the laws of England. He was also further directed to issue writs for the election of representatives of the people, who, with the Governor and Council, should form a General Assembly, clothed with supreme legislative power—and to erect and establish courts of justice which should regulate their proceedings according to the forms used in England. Thus were their former rights again restored to them. Without pausing to solve more particularly the motives which may have influenced him, with regard to which historians have speculated so much, it is but justice to say that they were indebted to Charles I. for that reformation in the whole constitution and policy of their government, which gave so agreeable a character to their institutions, and infused new life and healthful vigor into its administration. It won for that unfortunate monarch, more weak than wicked, the grateful affections of the colonists, and rendered them ever thereafter his firm supporters.

Under these beneficent auspices, both of government and administration, the Southern Colony of Virginia, advanced in the blessings of peace and prosperity down to the year 1650. Its tranquillity was then disturbed by an ordinance passed in the House of Commons, under the Commonwealth administration of Cromwell. It was therein declared "that the Colonies of America were, and ought to be, subordinate to, and dependent on, the Commonwealth of England, and subject to such laws and regulations as were or should be made by Parliament—that in Virginia and other places the

powers of government had been usurped by persons who had set themselves up in opposition to the Commonwealth; who were therefore denounced as rebels and traitors, and all foreign vessels were thereby forbidden to enter any of the ports of America." A fleet was accordingly sent over to enforce submission to the ruling administration in England. The colonists, headed by Governor Berkley, opposed them as they were entering the Chesapeake, but were eventually obliged to give way, and a general amnesty was arranged. At this time a new Governor was appointed in the place of Sir William Berkley, who retired into private life universally respected and beloved.* The new Governor died suddenly during the following year, upon which event the people disavowed their allegiance to the Commonwealth, and Mr. Berkley was called upon to resume the reigns of government. Before he assented to their wishes he required the colonists to swear allegiance to the crown, and to pledge their lives and property in support of the dethroned monarch of the mother country. Charles II. was thereupon proclaimed the true and lawful sovereign of the British empire, and Sir William Berkley the Governor of his colony of Virginia. These proceedings took place before the death of Cromwell was known in America, and were long after a matter of proud self-gratulation in Virginia. They caused the gratified monarch to regard the then existing administration of affairs in the colony, with favour and indulgence after the restoration.* The restrictions to which they were afterwards made subject were but few, and were not regarded with particular hostility, being principally of a nature to secure their relations and allegiance to the

* Marshall. Winterbotham.

mother country. In the mean while the population of the colony had increased with a singular rapidity, and at the time of the restoration it numbered more than thirty thousand inhabitants. Industry and frugality were successful in all the occupations of life, while their commercial resources and relations were so defined as to encourage trade, promote naval enterprise, to give security and the prospect of an improving revenue to the mercantile interests, and to encourage the mechanic arts. The provisions of their government, which, with those we have already noticed, gave to it its characteristic qualities, had reference to her religious establishment. These were always regarded as an important part of her code in the colony of Virginia. The Church of England with its forms, its fasts, and its festival observances, was the established religion of the colony, and its doctrines and discipline were enforced by statutory provisions. Marriages were celebrated in the parish church, and according to the ceremonial prescribed in the Book of Common Prayer. Non-conformists* were obliged to quit the colony. The clergy were provided for by glebes and tithes. Non-residence was prohibited, and a personal, strict, and regular performance of parochial duties was required of them. The laws which regulated the descent and distribution of estates were conformable with the same in England. The peaceful and prosperous administration of Sir William Berkley lasted for nearly thirty years.

Here we terminate this part of the history of the Southern Colony of Virginia, and of the general gov-

† Non-conformists were those who, among other things, more particularly refused to use the sign of the cross in baptism, to kneel at the Lord's Supper, and to wear the robes usually worn by the papists, &c.

ernmental regulations under which it was permanently established. We do not find in them as wide a departure from the laws and constitution of the mother country, as we shall discover in those of the northern colony or New England. The aim in the former was to imitate, in its legislative administration and in its jurisprudence, in its civil and its ecclesiastical polity, as near as might be, the laws and administration of England. Soon after the restoration of the second Charles to the throne we find its assembly stating, with apparent pride, that it had been their care "in all things as near as the capacity and constitution of this country (Virginia) would admit, to adhere to those excellent and often refined laws of England, to which we profess and acknowledge all due obedience and reverence." And Sir William Berkley in reply to the Lords Commissioners in 1671 says,—“contrary to the laws of England we never did, nor dare, make any (law) only this, that no sale of land is good and legal unless within three months after the conveyance, it be recorded.” We can discover thus far no causes which would probably have led to a separation from the parent state, had the southern Colony of Virginia never been affected by the spirit which planted and reared the northern colonies, or New England.* The causes which brought about the settlement of the latter, were not felt or understood by, were indeed unknown to, the policy which dictated the planting of the former. Their motives, their aims, their objects, were widely divergent, and the difference between the two sections is found to run

* “Within a few years of their plantation the Colonists of New England manifested the same spirit, and vindicated the same rights, which a century and a half afterwards produced a refusal of British taxation, and independence on the British Crown.” *Bissel's England*, Vol. I.

through all their early history, governmental, political, literary and religious. Without subserving the interest of any particular creed, or promoting any sectarian spirit, it illustrates the fact and establishes the conviction that the pure and free spirit of the christian religion, if not the cause of our origin, was at least the foundation of our liberties, our prosperity, our independence as a nation. To its subversion, if ever that period should arrive, some future Gibbon may ascribe THE DECLINE AND FALL OF THE REPUBLIC OF THE UNITED STATES OF AMERICA.

PART II.

HISTORY OF THE NORTHERN COLONY OF VIRGINIA OR NEW ENGLAND.

CHAPTER I.

In the first part of this work we have traced the history of the Southern Colony of Virginia till its establishment under a regular and permanent system of government. We now come to that of the Northern Colony of Virginia, more familiarly known as The Colony of Plymouth. It was so denominated because the proprietors of the Company empowered to settle this division of the continent, had their residence at Plymouth. This Company did not receive a patronage by any means equal to that of the other. It experienced great disadvantages not only from its own location, but the shores on which its settlements were to be made were cold, bleak, cheerless and inhospitable. Few men of rank, of opulence or of enterprize, became interested in its transactions, and although it was gifted with equal privileges with the Company resident in London, it fell far behind the latter in the energy and efficiency of its efforts to accomplish the objects sought to be promoted by its incorporation. The first expedition under its auspices was fitted out in the year 1606,

but the vessels employed for the occasion were captured by the Spaniards, who then claimed the right to exclude all other nations from sailing in, or navigating, the American waters. Two more vessels with one hundred and forty planters on board, were dispatched under the direction of Admiral Raleigh Gilbert, in the month of May 1607, who formed an inconsiderable settlement on the river Sagadahok; but, becoming alarmed at the severity of the climate, the majority of them returned to England in the month of December following, leaving about forty five men with Captain George Popham as their president, in the colony. The death of their principal patron,* in England; the inclemency of the climate, and the ravages of disease, soon desolated whatever hopes this settlement might have inspired. The unfavourable reports which they gave of the country, prevented any further emigration to North Virginia, and no further plans were projected by the Company, other than to open a fishing and fur trade with the natives. One of these trading vessels, which sailed in 1616, was commanded by Captain Smith, a name proudly conspicuous in the early history of the South Virginia Company. His inquisitive mind was not contented with carrying on a trade to the country, without any further knowledge of its capabilities and resources than such as might be gathered from the natives. He landed, and spent some considerable time in exploring its territory. He drew a chart of the coast from Penobscot to Cape Cod, made practical observations of its bays and harbours, its soil and productions, and such were his representations of the country on his return to England that the then Prince of Wales, afterwards the I. Charles, was so fascinated with his

* Chief Justice Popham.

descriptions, he bestowed upon it the name of NEW ENGLAND. From this period the Southern Colony was called VIRGINIA, and the northern NEW ENGLAND.

The interest elicited by the accounts given of the country by Captain Smith had no other effect than to induce private adventurers to prosecute the trade with the natives. None were induced to emigrate, nor was the prospect of gain sufficiently encouraging to lure the company to attempt any settlement. Men could not be induced to abandon their homes, ease, comfort, or luxury, for the sake of an uncertain, or at least a distant advantage either to themselves or to their country. The shores were too wild, the climate was too harsh, and the end too precarious, to inspire or to encourage a spirit of enterprise or adventure. Happily, however, for the interests of mankind, there was a spirit which could face all these difficulties, and endure all these sacrifices and privations—which could brave every danger and welcome any disaster, with the prospect, however distant or contingent, of accomplishing its purposes—a spirit which, under whatever trials, or at whatever sacrifices, under whatever circumstances, or in whatever clime, could still live and glow in the bosom of its possessor—a spirit whose exalted purposes were in part accomplished the very moment it alighted on this “wild and rock-bound coast.” It was a spirit which sought—“freedom to worship God.”

The warfare against the Church of Rome commenced by Luther, led many of the countries of Europe to separate themselves from her communion and abjure her authority. In some instances this rupture was sudden and violent, leaving no traces of the ancient superstition, but adopting an entirely new form of worship, of doctrines, and of discipline. Such was the case with

the institutes provided by Calvin, and adopted by many of the estates of Germany. The simplicity of these, but more particularly their hostility to the papal doctrines and ordinances, were so much admired by the more zealous of the Reformers, that they were adopted in Scotland, in the United Provinces, the Dominions of the House of Brandenburg, in those of the Elector Palatine, and by the Hueguenots of France. In England a different policy seems to have been pursued, and the progress of the principles of the Reformation was more cautious and deliberate. She abolished at first only those doctrines and institutions of Rome which were more prominently repugnant to the principles of freedom, or savoured too much of superstition, or of human invention. The changes in her ecclesiastical polity were likewise either retarded or accelerated according as it suited the various tempers, sentiments, and even the caprices and passions of her successive sovereigns. The butcherous and bloody persecutions which followed the succession of Mary to the throne in 1554, compelled many distinguished advocates of protestantism to seek refuge on the continent of Europe. They were received with sympathy and found a more congenial home in various cities of the United Provinces. A large number of them collected at Geneva, where they associated together under the institutes of Calvin. On the accession of Elizabeth, in 1558, and the consequent ascendancy of Protestantism, they returned again to England, with deep rooted hostility to the Church which had persecuted them, ardently attached to their own institutions, but with strong inclinations in favor of a republican form of government. Their efforts, however, at a participation in the revision of the forms and observances of religion, and more par-

ticularly of what was called the liturgy, were unsuccessful. They found Elizabeth not quite so liberal and yielding to their views as her proclamations and promises had led them to expect. Proud in the consciousness of her superior learning and abilities, as well as her accomplishments in the school of theology, she considered herself capable alone to undertake the task of expurgation. Guided more by policy than by principle, she sought to conciliate the followers of Rome, by retaining something of the pomp and parade of external worship, rather than to provoke their hostility by any wide departure from the canons of the papal hierarchy. But instead of conciliating them she found it afterwards necessary to recommend and adopt rigorous laws to secure her person and her crown against their treasonable designs, while she had already alienated the confidence of the reformers. Her fear of the former, and her dislike of the political sentiments of the latter, infused a spirit of vindictive bitterness into her administration, which at length ripened into extreme intolerance. At her suggestion an act was passed by Parliament, requiring an absolute conformity to the system which she had devised and which was established as the Church of England ; its ceremonials and forms being subject to the revision of the Queen. In the exercise of this discretion she issued a proclamation prohibiting all preaching, and confining the services of the Church to the reading of the Gospels and Commandments, without comment or exposition, together with the Litany and the Apostles' Creed. These ordinances were opposed by the advocates for a further reform, and the consequence was that many of the most distinguished and popular of the clergy were deprived of their benefices, fined and imprisoned. A court was

erected called the "High Commission for Ecclesiastical Affairs," whose trials were summary, whose decisions were arbitrary, and whose inflictions were almost as odious and cruel as the penalties of the Inquisition. Confiscation, deposition, banishment, imprisonment and death, were among its penalties. These it is true were in some cases inflicted on the plea that the zealous hostility of the Reformers to the religious establishment, amounted to treason against the crown; and at that day there might have been a show of plausibility in the apology, for so intimately blended were the civil and ecclesiastical affairs of the kingdom, that a reform could not be sought in the one without essentially opposing, and perhaps undermining, the existing administration of the other. But having reviewed it sufficiently for our present purposes, we will here leave the general subject, and turn our attention to that small and devoted band, of more humble and less erring piety, who chose rather to seek an asylum where they might follow the dictates of their own consciences, without fear of provoking the inflictions of intolerance, or offending against the civil administration.



CHAPTER II.

EVEN among the reformers a variety of opinions had obtained with regard to the doctrines and the discipline of religion; and rival sects had long contended with each other respecting them. Some of these, were reduced to a system by one Robert Brown, then a popular preacher, under which he collected a large number

of followers. He taught—that the established church was corrupt, antichrist—that its ministers were unlawfully ordained—that its discipline, its ordinances, and its sacraments were alike unscriptural and invalid, and prohibited all communion with it. He held that the scriptures taught that any association of Christians, meeting to worship God, and united for that purpose, constituted in and of themselves a church, having exclusive control over all its affairs, independent on any other sect or society, and amenable only to the great head of the church, Christ—that the priesthood was not a distinct order in the church—that the office itself did not confer any superior sanctity of character—that any man qualified to teach, might be chosen by his brethren for that purpose, and set apart to those functions, by the laying on of their hands—that for cause shown he might also be by them deposed or discharged from that station. He further insisted on a public profession of faith; and that the general affairs of the church should be regulated by a majority of its members. It needs scarce a moments reflection to understand how a system so democratic in its principles, and admitting such a liberty of discipline, was calculated to excite all the odium of the civil as well as ecclesiastical jurisdiction of England—doctrines so heretical and so damning, so wholly subversive of all the received and cherished maxims of government, could not be tolerated; accordingly full and heavy were the vials of wrath poured out upon their advocates. To render their situation still more embarrassing their leader, Brown, was induced to abandon them, and to conform to the established church.

Thus abandoned by their leader, the rage of persecution increasing, they were compelled to flee from their

native country in order, as they express it "to enjoy purity of worship and liberty of conscience." They sought refuge in Holland, and went to Amsterdam, where they remained one year, when they removed to Leyden and settled under the pastoral care of the Rev. John Robinson. Here the learning, piety, moderation, and accomplishments of their pastor, and their own exemplary living, secured to them for a while a prosperous tranquillity. They gained the confidence and good will of their neighbours, and but for fear of offending England, they would have received marked demonstrations of the public favor.* But not finding their situation altogether pleasing to them, they began to grow discontented, when the settlements which were making in South Virginia, drew their attention to the newly discovered country. This seemed to them the field best adapted for their purposes. Here they could plant their church, and propagate their doctrines, both of faith and discipline, beyond the reach of ecclesiastical tyranny. Here too an opportunity was offered to evince to an astonished world "what manner of spirit they were of." They were not to be deterred by dangers or daunted by difficulties. They were not men whom trifles could discourage or disasters and hardships overcome. Nor were they of that sickly sentimentalism which would forego the accomplishment of exalted purposes, rather than break away from the ties and endearments of home, of kindred, and of country, for they "were well weaned from the delicate milk of the mother country, and inured to the difficulties of a strange land." To those who hesitated they said, "the difficulties are not invincible, and may be overcome by fortitude and patience. The ends proposed

* Winterbotham.

are good and honourable, the calling lawful and urgent, the blessing of God may therefore be expected. We live but as exiles now, and are in a poor condition. 'The truce with the Spaniards is hastening to a close. Nothing but preparations for war are going forward. The Spaniards may be as cruel as the savages, and famine and pestilence may be as sore in Holland as in America.'

In 1618, they made an application to the Virginia Company for a grant of land within the limits of its patent, to be accompanied with a license under the seal of the Crown, giving them permission "to practice and profess religion in the mode which, by the dictate of their own consciences, they had adopted." James, the then reigning monarch, refused to give them any such assurances of toleration, although he did not otherwise discourage the contemplated adventure. His refusal, however, to accede to their wishes in this respect, discouraged them from undertaking it. At length, finding the causes of discontent with their residence in Holland to increase, they consented to accept a grant without requiring this provision; and on the seventh of September 1620 they set sail, about one hundred and one in number, for Hudson's River. By some design on the part of the captain of their vessel, supposed to have been instigated by the Dutch who were about to send there a colony of their own, or by the Company in England, contrary to their wishes and intentions, they were conveyed far to the north near Cape Cod. Here they found themselves beyond the limits of the Company's jurisdiction from whom their title was obtained, but the season had now so far advanced it was thought inadvisable again to put to sea. Having appointed John Carver, one of their number, Governor for one

year, they set about exploring the coast in order to select a spot more favourable to a settlement. On the tenth of November they floated into a commodious Bay, where they afterwards landed* and planted their settlement, and called it *Plymouth*, that being the name of the port from which they sailed in England, having touched there on their voyage from Holland.

From the proud eminence on which we now stand there is not, in the whole range of historical observation, a more sublime or interesting spectacle than is presented in the character, the condition, and the purposes, of that small band of exiled emigrants to these shores. The records of human enterprise, or of human adventure, present no parallel like this. The wildest vagaries of fiction cannot equal it—One hundred and one persons, in one frail vessel, embarking for an unexplored country, four thousand miles distant from all civilized society. Home, kindred, country, abandoned, the hardships of an unknown sea encountered, life itself periled—and for what? The shores on which they have landed are bleak with the chill winds of a rigorous winter—Their numbers are but small, and they are surrounded by numerous savage and hostile tribes—they are but poorly supplied with the necessaries for subsistence, and they tread an uncultivated and a frozen soil—the bark which brought them hither still floats by the shore, and the home they have left is still open to their return—and why do they remain? Is it gold? is it fame? is it conquest? is it plunder? is it any or all of these that they seek?—Let themselves and

* Historians differ so as to the day on which they landed that I have not named it in the text. Some say it was on the 17th Nov., others on the 22d Dec., and others on the 31st Dec. It is generally supposed to have been on the 22d, Dec.

the sequel of our history answer. Before they landed they drew up the following instrument—

“IN THE NAME OF GOD, AMEN—We whose names are underwritten, the loyal subjects of our dread Sovereign, King James; by the grace of God, of Great Britain, France and Ireland, defender of the Faith; having undertaken for the honour of our King and Country a voyage to plant the first Colony in the northern parts of Virginia, do by these presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together a civil body politic for our better ordering, preservation, and furtherance of the ends aforesaid; and by virtue hereof do enact, constitute, and frame such just and equal laws, ordinances, acts, institutions, and offices, from time to time, as shall be thought most meet and convenient, for the good of the Colony; unto which we promise all due reverence and submission.

Witness, &c.

November 11th, 1620.

This compact was signed by about forty one individuals, for themselves and families. As no provision had been made in their patent, which contemplated a landing so far to the north, they were much perplexed as to the measures which they should adopt for their government. This circumstance, seemingly so trivial and untoward, had an important bearing upon their interests, and the objects of their exile. Having landed where no authority of the Crown had prescribed any special regulations, they felt themselves at liberty to adopt a plan of their own to govern their infant community; and on this desolate and dreary spot, by this small band of neglected, despised, persecuted and betrayed exiles, was laid the foundation “not of one institution, but of all the institutions, the settlements, the establishments, the communities, the societies, the improvements, comprehended within the broad and happy borders of New England.”* They stiled themselves the *Colony of New Plymouth*, and erected a form of government vesting the administration in a

* Edward Everett.

Governor and one assistant, to be elected annually by the colonists. They occasionally held a general assembly to deliberate on all matters of public interest, when every freeman, belonging to the church, was permitted to vote. The Common Law of England was their general guide, but most of their juridical system, and their municipal regulations, were borrowed from the institutes of Moses ; and they adopted a community of goods, in imitation of the early christians.

It is a noble sentiment to be cherished by the citizen of an enlightened christian nation, one which enkindles the ardour, and inspires anew the devotion of the patriot ; that Heaven smiled on the foundation of his country's liberties, and that its care has protected and still fosters her institutions. There is no other nation whose history presents so many, and such irrefragable indications of an over-ruling Providence as our own. The interventions of a superhuman agency are manifest even at the very cradle of her existence, and we cannot regard them with silence or indifference. As we have already remarked the number of this band of adventurers, this germ of a future nation, was small ; consisting now of about one hundred and one persons, male and female ; old and young. Before the spring arrived nearly half their number perished, either through exposure to the inclement clime, by famine, or by disease. The survivors, afflicted and enfeebled, hardly able to provide for their own sustenance, were in danger of extermination from the hostile dispositions of the natives.—We close for one moment the volume of history and ask, what shall be their fate ? Where in the wide range of human probabilities can they look for succor or assistance ? Diminished in number, wasted by famine, debilitated by disease, without the ordinary means for

defence—how shall we calculate the chances for their preservation?—they may indeed stretch their aching eyes over the wide expanse of waters which rolled between them and the home of their kindred, hope they were not forgotten, and listen for a response as they breathed the Macedonian cry “come over and help us.” But it was vain, all such expectations were delusive. The opulent, the honorable, the powerful, and the mighty, cared not for them, nor enquired as to their fate. How then shall they be preserved?—We open again the volume of history and read—“a pestilence appeared among the Indians whose fearful ravages swept off entire tribes in a very few weeks, and those which remained were easily brought to terms of amity and conciliation.” Still it required all the consolations which christianity could furnish to sustain them amid the trials which they were called to encounter—and these were sufficient. The undisturbed enjoyment of their religion, and their unwavering confidence in the future, enabled them to bear all difficulties with an unparalleled firmness. They persevered with a calm resignation, and with unconquerable and unfailing virtue showed themselves equal to the trust committed to them. Others might smile at their folly and compassionate their weakness, but to the eye of their faith it was revealed as with the light of a sun-beam that they were planting the home of civil and religious liberty. Thus living and believing they prospered, and soon reduced this inhospitable country so that it yielded them a shelter, and in time a comfortable subsistence. At the close of the year 1621 their plantation contained one hundred and eighty persons, thirty-two dwelling-houses, and a fort composed of wood, lime and stone, with a tower upon it, which was erected on a mound in the

centre of the town. In 1625 Mr. Robinson died at Leyden, and in 1629 the remainder of his flock joined their brethren in America. Having as yet received no title to the settlement they occupied, in the year 1630 they made application to the Plymouth Company, and obtained a grant from them, but without any charter of incorporation from the crown. Quiet and unmolested, more peaceful and tolerant than the settlements which grew up around them, they remained under the constitution of government which they had at first adopted—a voluntary association governed by laws and magistrates of their own choosing—until the year 1634, when they were incorporated with the colony of Massachusetts Bay. The history of this colony now claims our attention.



CHAPTER III.

WE have seen that the Colony of Plymouth was not settled under the auspices of the Company at Plymouth, although it was planted on the territory within the limits of its jurisdiction—that Company had indeed made no very laudable or successful efforts to improve the condition of the country. In the month of November in the year 1620 James I. issued a new patent to the then Duke of Lenox, the Marquis of Buckingham, and others, confirming to them a still more liberal grant of territory, powers and privileges than were conveyed to the former patentees; and with provisions similar to those contained in the charter to the South Virginia Company. This new Company was styled THE

GRAND COUNCIL OF PLYMOUTH FOR PLANTING AND GOVERNING NEW ENGLAND. The motive alleged as having prompted James to make this grant to persons whose wealth, rank, and influence, seemed to promise a more speedy accomplishment of the objects contemplated in establishing the former Company, was a desire to prevent its occupation by men professing the sentiments and bearing the name of the Puritans.

Though it is not exactly within the scope of our design in this work to trace the history of the Puritans, we think a few observations respecting them may here with propriety be made. The names Puritan and Brownist are indiscriminately used by historians. Although there was a similarity in some of the essential features of their plan of church order which would seem to justify the error, yet it is well known that the former, with a large proportion of the non-conformists, repealed many of the laws and ordinances of Brown. It must be borne in mind too that the name Puritan did not originate in England till after the Plymouth settlers removed to Leyden. The progress of the reformation in England gave rise to two parties of protestants, both alike hostile to the papal authority, but differing widely as to the mode and the distance of their separation from her doctrines and her discipline. The one were the followers of Luther, the other of Calvin. The one became embodied in the Church of England, the other composed the great body of dissenters who, variously and in different degrees, repudiated the order of ministry, ceremonials, institutes, or canons of Rome. Among the latter there were who held that the ceremonies and observances of the Church of England were also papal and unlawful—that the authority of her prelates was contrary to the freedom of the gospel—and

that her offices, courts, and canons, were alike unwarranted by the word of God. They regarded all these as human impositions, corruptions or inventions which had crept into the church subsequent to the days of the Apostles, and refused to conform to them. Hence they were called non-conformists. From the zealous and intrepid perseverance with which some of them opposed these various innovations and contended for their total abolition and the restoration of "scripture purity," they were called *Puritans*.

Before James ascended the throne he had regarded the cause of the non-conformists with peculiar care. He had subscribed the Scotch national covenant, had interceded for the persecuted clergy, and had even denounced the services of the Church of England as "an evil said mass in English." He no sooner succeeded to the crown, however, than he became a violent persecutor. With a show of justifying his own conduct, under pretence of combating the religious as well as the political errors of the Puritans, he consented to hold disputations with them at Hampton Court. Finding that these discussions served only to magnify their importance, and to increase their numbers, he resorted to persecution, and the whole power of his crown was exerted to destroy them. The prosperous condition of the small colony already planted at Plymouth, in America, now attracted the attention of the Puritans in England. They saw them removed far beyond the reach of the spiritual arm, and they determined to seek an asylum on the same shores, where they too might enjoy their religious faith in freedom and full security. But James foresaw or apprehended the consequences should they be permitted to plant themselves independently in America; and, as we have seen, incorporated a new

Company, under whose superintendence and control it was intended to bring the settlers of New England. But although so liberally endowed with powers and privileges, all its attempts at colonization were unsuccessful. The patent conferred a monopoly of trade within its boundaries, and of fisheries in the adjacent seas. These provisions were complained of by the people, were censured in Parliament, and relinquished by the patentees, who in consequence ultimately abandoned the project of settling the country. "Thus New England must forever have remained unoccupied, if the same causes which occasioned the emigration of the Puritans, (Brownists, or Plymouth settlers) had not continued to operate."* It was perhaps a like conviction which induced the crown to acquiesce in the grant of a charter to the Puritans. For although they had made repeated applications, it was not till after this second Company, which had been instituted for the express purpose, had relinquished all idea of a further attempt at a settlement of the country, that their application was at all respected.

Through the instrumentality and influence of a Mr. White, a non-conformist minister, an association was formed, of men professing the sentiments of the Puritans, who obtained from the Council at Plymouth a grant of the territory "extending from three miles north of the river Merrimac to three miles south of Charles river, and from the Atlantic to the South Sea," or indefinitely into the interior. This patent was executed on the 19th of March, 1627, to Sir Henry Rosville and others. They fitted out an expedition under Captain John Endicott, who with others planted a settlement at Salem, in the month of September following.

* Robertson.

The rapid progress of puritanical sentiments in England, increased the hostility of the established Church, which also increased the number of those who were anxious to escape from its persecutions. As most of them were without the resources necessary to carry on their operations, individuals of rank and opulence, who although not advocating them openly, were yet favorable to the sentiments of the Puritans, were applied to to become interested in these enterprises. They, however, were unwilling to rely upon a title derived from a Company whose power to transfer political privileges they at least questioned. They therefore proposed that the proprietors of the patent obtained from the Council at Plymouth, should apply directly to the crown for a grant which should include them by name, and invest the supreme authority in persons resident in London. They accordingly obtained a patent from Charles I. the successor of James I., which contained the required provisions, and under which they were incorporated as **THE GOVERNOR AND COMPANY OF MASSACHUSETTS BAY IN NEW ENGLAND.** They were invested with power to sell lands and to govern the settlers upon them. It was provided that the affairs of the Company should be administered by a Governor, a Deputy-Governor, and eighteen Assistants, who were in the first instance to be appointed by the Crown, and afterwards to be elected by the proprietors of the Company. The executive powers over the colony resided in the Governor and Assistants, the legislative in the body of the proprietors, on whose enactments there was no other restriction imposed than that they should be "agreeable with the laws of England." Lands were to be holden by the most free and liberal conditions of tenure, "in free and common soccage, and not *in capite* or by knight's-

service," yielding to the Crown one-fifth part of all ore of gold and silver. The Governor or the Deputy-Governor with seven Assistants, were constituted a Court or quorum for the transaction of ordinary business, to be held once a month. The proprietors of the Company constituted a General Court which was to meet four times a year for the purposes of admitting freemen to the freedom of the Company, electing officers, and enacting laws and ordinances for the Colony. The Governor, Deputy-Governor, and Assistants, were chosen at one of these meetings of the General Court which was held in the Spring of the year. Duties on imports and exports were temporarily withholden, or to be applied to the exclusive benefit of the Colony, as in the South Virginia Colony; and the Colonists were to retain all the rights, privileges and immunities of native-born subjects of England. Some of our own historians are of opinion that indulgence in religious opinions was expressly granted by this charter; but Dr. Robertson, an historian of candor and credibility, who claims to have examined the instrument, insists that it contained no such provision, and that no promises were made of any relaxation of the statutes of non-conformity. The character of Charles and his court supports this authority. But whatever may have been the express or implied provisions of their Charter in this respect, the Company were not deterred from prosecuting the objects which they had in view. The first expedition under their direction was fitted out in the month of April in the year 1629; it consisted of five ships, and upwards of three hundred emigrants, all of whom were of the sect and sentiments of the Puritans, and were seeking a refuge from the persecutions of the mother country. They reached the shores of New England

in July of the same year, and settled at Salem, where Endicott had already planted his infant Colony. Previous to their departure, the Company had resolved that the affairs and government of the Colony should be under the immediate direction of a Governor and Council of twelve persons, residing on the plantation. Captain Endicott was appointed Governor, and seven of those who now emigrated were appointed as members of the Council, with instructions how to choose the other five on their arrival in America.

Previous to their arrival an intercourse had taken place between the people of Plymouth and the settlers at Salem, when it was found that the latter were in some degree opposed to the outward form of worship and order of church discipline adopted by the former. But through the influence of Dr. Fuller, an officer of the Church at Plymouth, their prejudices were removed, and the people of Salem adopted a plan of Church order nearly the same with that at Plymouth. On the arrival of these new settlers the question of Church organization was again agitated at Salem, and the majority of them assented to the adoption of that form of discipline called Independent, expressly repudiating all connection with the Established Church of England, or with any of its ceremonials or forms of worship. A few of their number, however, expressed themselves attached to the ritual of the Church; and, being dissatisfied with its entire abolition, proposed to withdraw from the rest, and to associate together in that mode of worship most agreeable to their own views and feelings. They were summoned to appear before the Governor and Council, were condemned as movers of sedition and discord, and sent back to England. The hardships and perils encountered amid the severities of the ensu-

ing winter; sickness, privation, and want, materially reduced the number of the colonists both at Plymouth and Salem. Had it not been for the religious faith and fortitude of the survivors, and the increasing cruelties of intolerance in England, here perhaps might have terminated forever all hope of planting a permanent settlement on the shores of New England.

The disaffection which agitated the kingdom of Britain on the accession of Charles I. was ripened into rebellion by the circumstances of his reign. Though endowed with many excellent virtues, Charles was nevertheless without the capacity to understand, or properly to estimate the political notions of the people over whom he was called to rule. The civil discord and religious enthusiasm which had been generated by the conduct of James now swayed the minds of the people with an almost absolute control. It required a wise policy, skilfully adapted and well administered, to meet the exigencies of his reign, and to preserve or promote the interests of his crown. By elevating Dr. Laud to the highest ecclesiastical dignity in the kingdom, and conferring upon him his own prerogatives of temporal power, he excited the odium of all protestant parties, and alienated from his person the affections of the great body of the people. The counsels of the Arch-Bishop were eagerly listened to by the timid monarch, whose conduct offended and alarmed many men of rank and opulence who had hitherto looked rather indifferently on the contest. These now entered the field and espoused the cause of the Puritans with political aims. Some did it from principle, others for the sake of acquiring popularity. While thus they gained a more respectable footing, the spirit of intolerance grew more violent and virulent. Its cruel inven-

tions appalled the minds of men, convulsed the kingdom, and caused many to look toward the asylum already opened in America. While these commotions were uprooting the established order of things in England, they also affected a very important revolution in the condition of the colony, in New England: We have already observed that the Company to whom the Charter of Government was granted was resident in London, and that all its proceedings for the regulation of the colony were transacted there. It was well contended among the proprietors that a government so far removed from its subjects, and unacquainted with the country where they were located, could know but little of their wants, and must necessarily be insensible of their embarrassments. It was therefore proposed that the Charter of Government should be transferred to, and its powers exercised in, New England. Accordingly at a subsequent Convention of the General Court of the Company held in the year 1630, provision being made to protect the interests of the members in England, it was resolved that its charter "should be transferred and its government settled in New England." This was a bold and an important step. The majority of the Company having removed themselves as well as their charter across the Atlantic, were now less under the inspection and control of the crown. The opportunity was afforded for a more easy execution of their own plans, while it enabled them openly and fearlessly to avow the political and religious sentiments of the Puritans. The charter arrived in the colony in 1630, and at the same time about fifteen hundred persons, who had embarked at an expense of £20,000, nearly \$100,000. They landed at Salem, but not being satisfied with the location, they planted themselves at Bos-

ton, and in that vicinity. John Winthrop, one of their number was chosen Governor, and Thomas Dudley with eighteen others, Assistants. In these "conjointly with all the freemen who should settle in New England" were vested all the corporate rights, powers and privileges of the Company : In 1631 the General Court resolved that the Governor, Lieutenant Governor and Assistants, should thereafter be chosen by the freemen only, and that none should be admitted to the freedom of the colony, but such as were chosen members, and could procure certificates from their ministers that they were of the orthodox faith ; and that none but freemen should be permitted to vote as electors or to act as magistrates.

The rapid increase of their settlements now so much excited the apprehensions of the natives that a war with them seemed inevitable ; but the small-pox broke out among the Indians, and in a very few weeks whole tribes of them were destroyed. The tracts of country thus desolated were rich and well selected, and seemed vacated to open a ready and fit resting place for the thousands who now crowded to these shores to avoid the increasing cruelties of intolerance. Towns and villages, thriving and beautiful, sprung up almost with the power of magic in the howling wilderness. This dispersion of the settlers from the immediate vicinity of the seat of their government, where each freeman was required to appear in person, rendered it necessary to appoint delegates to appear for them, fully empowered to deliberate and decide on all matters of public interest or general importance. Here again, as in the Colony of Virginia, we remark the origin of that distinction which obtains between a republican, or representative form of government, and one purely demo

cratic. The latter is practicable only in small communities, and is known only in the infancy of society; the former is the necessary result of its extension and distribution. This change did not actually take place, however, until the year 1634, when the several settlements sent delegates to the General Court, which had hitherto been composed of the whole body of the freemen. These delegates, with the Governor and his Council of Assistants, thereafter constituted the General Court. Thus was formed the first representative assembly ever held in New England, and the second held in America. At this session a Bill of Rights was passed, which guaranteed to the people of Massachusetts Bay all the rights and privileges of civil and religious liberty. It was also declared that the General Court alone had power "to enact laws, to elect officers, to impose taxes, and to sell lands"—that "every town might thereafter choose persons as representatives (not more than two) who should have the full power of all the freemen, except in the choice of public officers and magistrates, wherein every freeman must give his own vote."

This independent plan of government soon attracted the attention of the Crown of England, and commissioners were appointed to superintend and regulate the affairs of the Colonies in America. Among other things, they were directed to "cause the revocation of such letters patent as were unduly obtained, or contained grants of powers and privileges infringing upon the royal prerogatives." The result of this investigation was, that the Council at Plymouth surrendered back its patent to the Crown. In 1637—8, a writ of *quo warranto* was issued against the *Company of Massachusetts Bay*; upon which it was adjudged that the

Company had forfeited its charter. It does not appear that any proceedings were instituted against them in pursuance of this judgment, further than that the Privy Council ordered the Governor and Company to send their charter back to England, to be cancelled. The General Court replied, in a petition to the Commissioners—"We dare not question your Lordships' proceedings in requiring our patent to be sent unto you; we only desire to open our griefs; and if in anything we have offended his majesty, or your lordships, we humbly prostrate ourselves at the footstool of supreme authority; we are sincerely ready to yield all due obedience to both; we are not conscious that we have offended in anything, as our government is according to law: we pray that we may be heard before condemnation, and that we may be suffered to live in the wilderness."

The domestic troubles which at about this time visited the unfortunate Charles I., and diverted the attention of the commissioners, preserved their charter to the colonists. The Governor and Assistants continued to sit with the Delegates, as one house, until the year 1644, when they were divided into separate houses; the Governor and Assistants composing the Upper, and the representatives the Lower house, each of which had a negative on the acts of the other. "From this period we must consider this colony, not as a corporation whose powers were defined, and its mode of procedure regulated by its charter, but as a society which, having acquired or assumed political liberty, had, by its own voluntary deed, adopted a constitution of government framed on the model of that of England."* But, we may add, in many of its most important and inter-

* Robertson.

esting features widely different. The colony continued under this form of government down to the great revolution of charters which took place in the year 1684, when its charter was also overthrown.

Charles II. died in the following year and was succeeded by James II. who pursued the same warfare against the colonies, with an unrelenting hostility to the spirit of independence and freedom which had grown up under their previous forms of government. We find the controversy to have continued, almost without interruption, down to the revolution in England in 1689, when William and Mary, the Prince and Princess of Orange, were crowned King and Queen of England. The intelligence was received in this colony with great joy, and inspired them with the hope that they might regain their ancient charter. The Governor and Council were requested by the people to resume the exercise of the authorities and powers with which it had vested them, and the form of government which had previously existed under it, was again erected. The Crown assented to the exercise of these powers, until such times as it could provide a new charter, which was issued in 1691. Under it the colony became incorporated as a Province and continued to be known as such until after the American revolution. The principal features of administration wherein this charter differed from the other will be observed when we come to the third division of our history. It now included within its territorial limits "all the old colony of Massachusetts Bay, the Colony of New Plymouth, the Province of Maine, the territory called Acadia or Nova Scotia; and all the lands lying between Nova Scotia and Maine," under the name of "THE PROVINCE OF MASSACHUSETTS BAY IN NEW ENGLAND."

CHAPTER IV.

THE progress of our history brings us next to notice the colonies of Connecticut and New Haven. This territory, which is now comprehended within the limits of the State of Connecticut, was originally conveyed by the Council at Plymouth, to the Earl of Warwick, in 1630. This grant from the Company was confirmed to the grantee by a patent from Charles I. and was subsequently conveyed to Lords Say, Brook, Seale and others, in 1631. In 1632 they sent out adventurers to explore the coast and the interior of the country. This expedition penetrated the Connecticut river, as far up as Windsor, but it does not appear that they made any arrangements for a settlement. A small fort was established at Saybrook in the year 1635, under the direction of Mr. Lyon Gardiner. The permanent settlement of this part of the country must be attributed, however, to the religious dissensions which had, at this early period, begun to distract the colony of Massachusetts Bay. In 1634 several individuals, under the direction of the Rev Mr. Hooker, made an application to the General Court of Massachusetts Bay, for permission to quit that colony for the purpose of planting a settlement in some favoured spot. Their petition was denied, and considering that the oath which they had taken when they were admitted to the freedom of the company, bound them to yield implicit obedience to the directions of the General Court; they abandoned the purpose of emigration. Subsequently however the General Court assented to their application, and they were permitted to re-

move on condition that they should continue subject to the jurisdiction of this colony. In the year 1635 sixty persons with their families went out and formed an inconsiderable settlement on the west bank of the Connecticut river. They were followed in the year 1636 by about one hundred adventurers, and subsequently by several Companies, who settled Hartford, Springfield, Windsor, Weathersfield and other Towns. Although the country in which they had settled was not within the limits of Massachusetts Bay, yet the commission under which they had departed from that colony invested one Roger Ludlow with authority to publish such orders as were necessary for their government, to inflict punishment, to imprison, and to impose fines, to exercise judicial power, and to call a General Court of the settlers whenever advisable or necessary. Soon after their settlements were established, they purchased a title to the country from Lords Say, and Scale, disavowed their allegiance to Massachusetts Bay, and entered into a general compact of union under the name of *Connecticut*.

By this compact it was ordained and provided that two General Assemblies or Courts should be held in each year, during the months of April and September—that the first Court should choose the Governor and his Assistants, who should be sworn to administer justice according to the laws, or, in default of any appropriate enactment, “according to the word of God.” All freemen, who had previously taken and subscribed the oath of fidelity, were permitted to vote at this Court. Each town was required to nominate two candidates for Governor, and no person could be elected, or regarded as a candidate, unless he was thus nominated for some days previous to the election. The Governor

was to hold his office for one year, and was ineligible two years in succession. Each town was also required to send delegates to this Court, and, after the business of the election was closed, the Assembly consulted on matters of general public interest. The second Court, or that held in September, met for the purpose of enacting laws and ordinances, and making whatever provisions were necessary for the welfare of the colony. These several Courts were convened on a summons sent out by the Governor one month previous to the time of holding their session, while the Governor had the further power of assembling them on special and extraordinary occasions, on a warning of fourteen days. In case, at any time, he should refuse to do so, it was provided that the freemen might order the constables to assemble them, and, meeting under these circumstances, one of their number should be chosen moderator, and their acts were binding on the people of the colony. Hartford, Weathersfield and Windsor sent each four delegates to these Assemblies, and the General Court were to determine, from time to time, the number which should represent the other towns. The General Court consisted of the Governor, or in his absence, as we have seen, a Moderator and four other magistrates, with the delegates from the several towns. Its powers were in all cases supreme. It could make laws and repeal them, grant levies, admit freemen, and take cognizance of all matters, both civil and criminal, and punish offenders. In case of an equal division of the members of the General Court, the Governor had a casting vote. Freemen were not required to be members of the church. Such was the first governmental compact of the Colony of Connecticut. The first General Court under it was held in 1636, at almost

which time they were forced into a war with the natives. These wars led them further into the country, and had the effect of increasing and extending the settlements.

In the year 1637 a small band of adventurers landed at Boston under the conduct and guide of the Rev. Mr. Davenport. Being unwilling to remain under the jurisdiction of a colony which sought to restrain the propagation of their peculiar religious views, they proceeded thence to the southward, in the following year, until they arrived at an extensive level plain, on the bosom of a wide-spreading and beautiful bay, where they planted their settlement and called it *New Haven*. They had made no provision for a title to the soil, but relied on their ability to make some friendly negotiation with the natives, whom they regarded as the true and only proprietors. They were invested with no political privileges, but framed their own ordinances and regulations. The plan of government which they at first adopted was different from that of any other of the New England colonies. It was, if we may so speak, a *Christocratic* form of government. The church was the head of the colony, the minister the head of the church, and they imitated the early Christians in adopting a community of goods and an equal distribution of lands. Mr. Davenport was at once their Governor and priest, and he first officiated in the latter capacity under a large oak tree, which is still standing, and the spot pointed out with much veneration by their descendants. None were admitted to the privileges of freemen unless they were members of the church, and all officers of the colony, whether civil or military, were required to be professors of the Christian faith. These fundamental principles of their association were adopted at the first session of their General Court,

which was erected in October, 1639. This Court was composed of the Governor, Lieutenant Governor and Assistants, with two delegates from each settlement, who were chosen annually. All power, executive, legislative, and judicial resided in them, with the right of appeal to a Supreme Court, which was composed of all the magistrates in the colony, six of whom formed a quorum. It will be observed that many of these provisions were applicable only to a small extent of territory, and seem not to have contemplated any wide distribution of their settlements. They remained under this form of government till the year 1664.

Soon after the restoration of Charles II. to the throne in 1662 a charter was issued on an application from the colony of Connecticut, in which the colony of New Haven was included. It was thereby incorporated with Connecticut under the style of "THE GOVERNOR AND COMPANY OF THE COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA." This charter provided that the government should consist of a Governor, Deputy Governor, and twelve Assistants. These, together with two deputies from each town, or city, were to constitute a General Court, which, it was provided, should meet twice in each year. The charter nominated the first Governor and Assistants. The executive authority resided in the Governor and Assistants, the legislative in the General Court, which was authorised annually to elect the Governor, Deputy Governor, Assistants, and other magistrates—to establish courts of justice, and generally, to make such laws and provisions as they might judge for the interests of the colony, "provided the same be not contrary to the laws of England." All the liberties, privileges, and immunities of free-born natives of England were guar-

anted to the colonists. The colony of New Haven was indignant at this proceeding on the part of Connecticut. They insisted that it was an illegal and unjust infringement of their liberties and independence, and determined still to adhere to their own separate form of government. The contest between them was carried on with bitter and rancorous hostility. New Haven contended not only against the proceeding under which the charter was obtained, as in itself insolent and offensive, but insisted also that the construction given to it by Connecticut was erroneous, that it did not, nor was intended by the crown to include them. An appeal was made to the crown on this issue. This appeal was arrested by assurances on the part of the agent who was deputed by Connecticut to obtain the charter, that the union should not be considered as complete unless it was voluntarily assented to by New Haven. But the government of Connecticut, notwithstanding, proceeded to exercise jurisdiction over the territory of New Haven. After a tedious course of negotiation, however, and certain concessions and stipulations made in favor of New Haven, the enmity was allayed, and the two colonies became inseparably united under the same form of government, 1664. Hartford and New Haven were made the places where the General Court should hold its sessions in alternate years. The magistrates and delegates sat together as one house until the year 1698, when the General Court was divided into two houses, the magistrates and Assistants composing the Upper, and the delegates the Lower House.

In 1685 an attempt was made by the crown to repeal this charter. James II. proposed to consolidate the colonies of New England by erecting a permanent ju

risdiction over them, and accordingly commissioned Sir Edmund Andros as "Captain General and Vice-Admiral, &c." empowering him with the assistance of a Council appointed by the crown, to make ordinances for their government. In pursuance of this commission he arrived at Boston and proceeded to overthrow the charters of the several colonies. He arrived in Hartford in 1687, proclaimed that the government of the Colony of Connecticut was dissolved, and demanded the charter from the General Court, which was then in session. It was in the evening, and during the confusion and excitement which prevailed on the occasion, the lights were extinguished and the charter was privately conveyed from the house and secreted in the trunk of an oak tree in the suburbs of the city. On the accession of William and Mary, after the revolution of 1688, Andros was deposed in Massachusetts and Connecticut, and both of these colonies resumed the exercise of all the powers and privileges they had formerly enjoyed under their respective charters. Among the earliest proceedings of the General Court of Connecticut a "Bill of Rights" was published, which secured to every man the rights of a freeman, protecting his life, his person, his name, and his property, from all injury, restraint, or damage whatever "unless by virtue of some express law of this colony warranting the same, established by the General Court, and sufficiently published; or, in case of the absence of a law in any particular case, by some clear and plain rule of the word of God, in which the whole Court shall concur." It also secured the right of trial by jury. Their criminal code was derived from the Mosaic institutions, and declared those offences capital which were so declared in the sacred writings. They enjoined on all persons, and especially

upon the officers and magistrates of the colony, a regular attendance upon public worship, were rigorous in enforcing the observance of moral and religious obligations, and punished delinquencies by the severest penalties.

Connecticut was less disturbed by those conflicts of faith and doctrine, and remained more equably pure and true to the original principles of the Puritans, than any other of the New England colonies, and even at this present time we may trace the beneficial effects of what we now term her "bigoted enactments." They were like the early discipline of a child in the faith and precepts of religion and virtue. They stamp their impression upon the heart, and manhood with the wisdom bought by experience and reflection, only removes whatever of error, superstition, or bigotry, may have accompanied their inculcation, while the vital principle itself remains to preserve from vice and infamy. Just so has it been with the influences set in operation by the Puritans in Connecticut, nor is there any portion of our now extended territory where the religious virtues have so powerful an ascendancy, or where the moral character is developed in more beautiful and attractive proportions, or where we can mark so little deviation from the principles and practical piety of our pilgrim fathers. There the seed sown by them seems to have fallen on its most genial soil. The errors, superstitions, and imperfections, which necessarily attended their early and not well instructed, because persecuted zeal, have gradually faded away before the progress of education and refinement, and she retains only the simplicity and sincerity of their devotion, the steadfastness of their faith, and, running through all

her institutions, the purity and integrity of their principles. Her fabric of government is the most purely democratic-republican in the world.

CHAPTER V.

IN pursuing the history of the New England division of this continent, there is yet another colony whose rise and progress demands our attention. We have already had occasion frequently to remark that the colony of Massachusetts Bay was early distracted with religious dissensions. In the year 1631 Roger Williams of Salem, promulgated substantially the following sentiments—That all persons who had held communion with the Church of England should openly confess their error; that saints ought not to hold communion with sinners either in worship or oath; that it was unlawful for unregenerate persons to pray; that the civil magistrates ought not to interfere in matters of religious faith and practice; that intoleration is persecution; and that the patent of the king disposing of the lands belonging to the natives without their consent was unjust and void.—On account of these sentiments Mr. Williams was summoned before the General Court, and subsequently banished from the colony. Collecting a few followers he proceeded to the southward as far as the Ocean and Narragansetts Bay. Cultivating a friendly disposition with the natives he was permitted to traverse the country without molestation, and finally settled at a place which he called Providence, in the year 1636.

About two years from this date the famous Mrs. Hutchinson commenced her career in promulgating what was called "the antinomian heresy," maintaining "that faith alone without works would secure salvation." She also insisted upon the right of women to preach. She was also banished from the colony, and proceeded with a few followers to Providence, where they associated with Williams and his followers in a civil compact, purchased the Island of Rhode Island, and in the course of the following year laid the foundation of Newport. They soon found, however, that a tenure derived from the natives was not sufficient to protect them from the claims and encroachments of their more powerful neighbours, and feeling the necessity and importance of a higher title to their settlements in order to establish a frame of government which would be respected by the older colonies, they sent Roger Williams to England, with a petition to the crown for a patent. He obtained from the Earl of Warwick a charter of incorporation of "the Providence Plantations" in 1643. This charter was confirmed by the two houses of Parliament in 1644, Charles the first being at that time banished from his capital. A convention composed of the freemen of the several plantations of Providence, Newport and Portsmouth, met under this charter in 1647. The charter vested the Executive power in a President and four assistants, who were to be chosen from among the freemen, and who also constituted a court for the administration of justice. The Legislative power was vested in a Court of Commissioners, consisting of six persons chosen by the several towns then in existence—each township was to choose a council of six persons, for the regulation of its own internal affairs, and for the settlement of trivial controversies. The

principal feature in which this colony differed from all the others was, in their unqualified religious toleration. They continued under this charter until after the Restoration.

The proclamation of Charles II. as King of England was regarded with different feelings in the different colonies in America. Those in the southern section rejoiced on receiving intelligence of his coronation, while most of the New England colonies, and more especially Massachusetts, heard it with regret and apprehension. The recently dominant administration had been more indulgent to the liberties which the colonies had assumed under their charters, than might consist with the rigid notions of the royal prerogative, which it was supposed might be entertained by a monarch fresh from the struggles of a revolution which sought to annihilate all royalty. The colony of Rhode Island, however, regarded it as affording them an opportunity to secure themselves against the hostility which they had experienced from the other colonies of New England. Those colonies had entered into a confederation for their mutual protection, from which Rhode Island was excluded; her charter, having been obtained under the revolutionary administration, did not afford a sufficient guaranty for the duration of her existence as a separate colony. Massachusetts had frequently claimed a right to include them within her jurisdiction, and, in apprehension of such an event, an application was made to Charles for a patent which should confirm their title to the soil, and invest them with the requisite powers of jurisdiction over it. They were accordingly incorporated under a charter from that monarch, in the year 1663, as "THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF PROVIDENCE

AND RHODE ISLAND PLANTATIONS IN NEW ENGLAND, IN AMERICA." This charter placed them on an equal footing with the other colonies, and led to the establishment of a friendly intercourse between them. Under it the Executive power was vested in a Governor, Deputy-Governor and ten Assistants to be elected by the freemen of the colony. The Legislative authority consisted in a General Assembly, which was composed of the Governor, Deputy-Governor, the ten Assistants, and delegates from the several towns. Newport sent six delegates to this Assembly, Providence, Portsmouth and Warwick, four, and each of the other towns two. The Governor, or Deputy, with six Assistants, constituted a quorum for the transaction of business. This General Assembly had power to enact all laws, to admit freemen, choose officers, to establish courts of justice, to punish offences, and generally to do whatever was necessary for the common defence and welfare of the colony. The most remarkable feature which distinguished this charter from those of the other colonies, was unqualified religious toleration. It was provided "that no person should be in any way molested, punished, disquieted, or called in question, for any difference of opinion in matters of religion." This is the first recognition of the right of religious liberty, which we find in the charter provisions of any of the colonies, and does honor to the memory of the monarch from whom that charter was obtained. The principle for which so many trials had been undergone, for which so many lives had been periled and so many sacrifices had been made, was at length recognized under the royal seal. It was a proud triumph for the advocates of free principles, and illustrates the progress of human improvement. Yet it has been said by way of reproach that even in

Rhode Island the right of religious liberty was soon and shamefully invaded, by persecutions against the Catholics. If we look at the subject in its true light we cannot be surprised that it was so. We observe the same hostility to have existed in all the New England colonies against both the Catholics and English Episcopalians; and in palliation of it we would simply say—that it was as much an object with our Pilgrim Fathers in coming to this continent, to plant and perpetuate their own peculiar views of government, as to acquire the liberty of worshipping God according to the dictates of their own consciences. They sought civil as well as religious liberty. They had been persecuted at home by both Catholics and Episcopalians. The peculiar tenets, political and religious, of the Church of Rome as well as the Church of England, were alike hostile to them. The several parties contended for altogether different principles, and neither could reasonably be expected at that day to tolerate the other; and, however graceless or illiberal, or inconsistent, it may appear to us, who have now no such enemies to liberty to contend with, had it not been for the stern, unyielding and uncompromising devotion of our forefathers to their own views of civil and religious liberty, New England, perhaps all America, might even to this day have been under the thralldom of an ecclesiastical hierarchy or the dominion of a crown. Before we permit ourselves to reprobate the intolerance of our forefathers, we must consider the age in which they lived, the circumstances under which they acted, and that the true principles of liberty of conscience were not then as well understood, or as generally disseminated, as they are now.

Rhode Island continued under this charter down to the time of our Revolution, and it is still regarded as

the fundamental basis of the constitution of government now existing in that State. The Governor, Assistants, and Delegates, sat as one house till the year 1696, when it was enacted that the house should be divided. The Governor and Assistants constituting the Upper branch, and the delegates the Lower branch.

Such was the origin, and such as we have successively detailed them, were the general governmental relations of the principal colonies embraced in the early history of New England. Causes mostly of a similar character led to a still further division and extension of their settlements. New sects springing up among them and finding their tenets little respected, went out and planted new Townships: thousands continued daily to throng its coasts, and pour into its territories, so that within a few years, more than one hundred and twenty towns and about forty churches were planted in New England. In the year 1637 the Crown became so alarmed at the rapidity of its growth, and the increase of its population and settlements, that a special proclamation was issued, prohibiting all masters of vessels transporting any person whatever without license from the Crown, or some magistrate. Among the number of those who had prepared to embark to these shores, and were prevented by this interposition of royal authority, was the celebrated Oliver Cromwell. He had actually set sail, but the vessel in which he had embarked, meeting with contrary and tempestuous winds, was driven back into port, and thus he became the subject of this interdict. When we think of his after career—his restless spirit—his sturdy and aspiring intellect—we cannot help losing ourselves in speculating upon the probable consequences to America, to mankind, had he then carried his purposes into execu-

tion. But it was his career at home, the Revolution which he accomplished in England, which gave a new complexion to the condition of the colonies in America, and tended to stamp upon them still more indelibly the political features which they had already exhibited. Under his Protectorate laws were enacted bestowing upon them the most liberal benefits; and it was under the disturbances of his administration that they took occasion to form themselves into a confederacy, which formed a bond of Union never thereafter to be broken or sundered. Here we close the history of the NORTHERN COLONY OF VIRGINIA, OR NEW ENGLAND, which we have made the second part of our governmental history. It cannot be that we have gone over it without interest or instruction. We have seen a wild, inhospitable and cheerless shore, converted into a cheerful, inviting and growing garden of liberty and independence. We have seen the wilderness bud and blossom like the rose, and the solitary place made glad with the voices of industry, civilization, and religion. We have seen the pure principles of liberty and religion, thrown out from among the discordant elements of civil and ecclesiastical tyranny and usurpation, without a home or a resting place; defended only by the poor, the illiterate, the despised, and the persecuted; acquiring strength and energy in the darkest hour of their peril, till they awaken the interest and the regard of the opulent, the honorable, and the powerful. We have seen how the bonds of social union are originated and how its spirit is formed in its infant state. We have seen small communities of men, planting their feeble families on an unexplored continent; we have seen these families reared and transformed into large political bodies; and have also remarked how, as they grew, the operative

principles of republicanism have successively developed themselves. While at the same time we have discovered by what a singular and peculiar instrumentality, and influenced by what causes, the characteristic qualities of this portion of our country have been originally developed and successively acquired. The survey should awaken the ardour and nerve the energy of our devotion to institutions so wisely framed, and with so much toil, so much sacrifice, so much care, so much blood, reared by our forefathers. It should teach us to appreciate and to prize the noble heritage they have conveyed to us. Above all it should rekindle our vigilance, and excite a jealousy of all, of any doctrines be they political or religious which tend, either in theory or in thought, to undermine the foundations which they have laid.

PART III.

GOVERNMENTAL HISTORY OF THE COLONIES IN THEIR SMALLER DIVISIONS TO THE TIME OF THE DE- CLARATION OF THEIR INDEPENDENCE.

CHAPTER I.

IN the foregoing part of this work we have traced the history of our country in its two early and principal divisions till we have seen them assume the rank and stability of regularly organized political bodies, each under its separate and peculiar policy and forms of government. We propose in this third part to continue the subject of their governmental history, in their smaller divisions, from this time down to the time of our Revolution. This survey will include a view of the causes which led to that event, and to the declaration of their independence, which will bring us to the fourth and last part of our design, in which we will treat of their consequent union under the CONFEDERACY, give an exposition of the defects of those articles, and pursue the subject till their more perfect, permanent and happy union under the present Constitution.

In reviewing the history of the early settlements of New England we have already had occasion to remark the causes which led to the origin of the separate colo-

nies in that portion of our continent. Most of those in the southern division which existed at the time of our Revolution under separate organizations, were originally comprehended within the limits of the patent granted by James I. to the SOUTH VIRGINIA COMPANY. On the dissolution of that corporation their lands reverted to the Crown, and were subsequently granted under new charters and with prescribed limits.

NEW YORK was originally settled by emigrants from Holland, who seem to have taken occasion during the apathy of the Crown, or while both the King and Parliament were agitated and absorbed by domestic dissensions, to take possession of this section of the country, which, with the present territory of New Jersey and Long Island, was called the NEW NETHERLANDS. They pretended to found their claim on a purchase made from Henry Hudson in 1608—9. Hudson discovered the River which now bears his name, and the countries adjacent, in 1608, and afterwards, it was contended, sold the interest which he derived in it by the commission under which he sailed, to the Dutch. Both the fact and the validity of the sale were denied by the English, and the right of the Dutch to make any settlement was never recognized by Great Britain. She insisted also on a priority of title founded upon the discoveries which were made by Cabot, during the reign of the VII. Henry, in 1497. It will be remembered that under the patronage of that monarch that adventurer had explored the coast from Labrador to the southern boundary of Virginia, and we have already noticed the circumstances which induced a relinquishment of the claim at that early period. Discovery, however, came afterwards to be considered as establishing a good title to the country, and the right thereby conferred was ad-

mitted in the intercourse of nations. Accordingly in the year 1664, Charles II. granted by patent to his brother, the DUKE OF YORK AND ALBANY, "all that region of country extending from the western bank of the Connecticut to the eastern shore of the Delaware River," together with Long Island. The Duke was at the same time invested with all the powers of government, both civil and military—with authority to correct, punish, pardon, govern and rule, according to such laws as he should establish, all subjects who should inhabit the territory ; and also to exercise martial law in case of rebellion, insurrection, seditious meeting or invasion, provided always that the same laws were "not contrary to, but as near as might be, agreeable with the laws of England," reserving in the Crown a right to hear and determine all appeals. The Dutch were in possession when this charter was published, but no infringement of their rights as freemen was permitted, and they were required to be treated as subjects, rather than as enemies or aggressors. They, however, were not disposed to yield quietly to the domination of England, and several times struggled for the mastery of the soil. They were finally brought to terms of submission in the year 1674, when the Duke of York, in order to put at rest all questions which might arise as to the validity of the original grant, applied for and obtained a new patent from the Crown. This grant conferred the same powers which were enumerated in the former charter, with the further provision, that no trade should be carried on with the colony without his permission, while the colonists were permitted to import merchandise upon paying duties according to the laws of England. The Duke reigned under this charter, without the intervention of any General Assembly, un-

til the year 1682, when the colonists were permitted to elect an Assembly of Delegates, whose enactments were subject to the revision of the Proprietary. After the Duke succeeded to the throne, the colonial government was administered by a Governor, appointed by the Crown, aided by representatives chosen by the colonists. The course of legislation and policy thereafter pursued was more nearly assimilated to that of the parent state than in any other of the colonies.*

LONG ISLAND and the present territory of NEW JERSEY were also comprehended in this patent to the Duke of York. In the same year in which it was issued the Duke granted to Lord Berkley and Sir George Carterett "all the tract adjacent to New England, lying westward of Long Island—bounded on the east by the main sea and partly by Hudson's River, on the west by Delaware Bay or river, and extending southward to the main ocean as far as Cape May at the mouth of Delaware Bay; and to the northward as far as the northernmost branch of the Delaware Bay or river, which is $41^{\circ} 40'$ lat. which tract is to be called New Ceserea or New Jersey—together with all political powers, privileges and royalties thereunto appertaining." Under the well directed enterprise of these gentlemen it was soon settled with a flourishing population. The constitution of government provided that the Executive authority should reside in a Governor and Council, and the Legislative in a General Assembly, composed of the Governor and Council, and representatives chosen by the colonists. The powers of legislation were full, provided that the laws and ordinances enacted "be consonant to reason, and as near as may be conveniently agreeable with the laws and customs of his Majesty's

* Story.

realm of England." Freedom of opinion in matters of religion was guaranteed to the colonists.

The earliest settlements in PENNSYLVANIA were made by Swiss, German, and other emigrants, who derived their titles from various sources. They were brought under the administration of the Governors of New York, who predicated their authority on the patent given to the Duke in 1664. The source from whence it was derived, however, was regarded as defective, and they were always looked upon as usurpers. It remained under this weakened jurisdiction till 1681, when it was granted by Charles II. to Wm. Penn, as sole proprietary, and its boundaries were defined. Penn acted as Governor of the province till 1684.

The present state of DELAWARE was also appended to New York, and was purchased of the Duke by William Penn, in 1682, when it was united to the province of Pennsylvania, in which year the first General Assembly of the colony was held, at Chester. This union was dissolved in 1703, from which period down to the time of our revolution these territories were governed by separate legislatures of their own choosing.

The state of MARYLAND was the first instance of the division of a colony and the establishment of another within its territorial limits, which was made directly by the crown.* In the year 1632 Charles I. issued a patent to Lord Baltimore, granting to him "all that region bounded by a line drawn from Watkin's Point, in the Bay of Chesapeake to the Ocean on the east—thence to that part of the estuary of Delaware on the north, under the 40th degree, where New England is terminated—thence in a right line by the said degree to the meridian of the fountain of the Potomac—thence,

* Marshall.

following its course by the farther bank, to its confluence with the Chesapeake, and thence to Watkin's Point,"* which was called Maryland, and erected under a frame of government entirely independent of Virginia. The Proprietary was invested with full powers of government, in the legislative branch of which he was aided by the representative assembly of the people. The charter provisions were similar to those contained in the other colonial charters, except that it did not contain any requisition that the laws should be subject to the revision of the Crown. The colony planted by Lord Baltimore was of the Catholic religion.

The territory of the CAROLINAS was conveyed by Charles II. to Lords Clarendon and others, in April 1663. The form of administration at first adopted by the proprietors, provided that the government should reside in a Governor, to be chosen by the Proprietors, from a council of thirteen persons who were to be nominated by the colonists, and an assembly composed of the Governor, Council and Delegates of the people. They were invested with full powers of legislation, subject to the revision of the proprietary. Perfect toleration was proclaimed in matters of religion. Each settler was to receive one hundred acres of land for himself and fifty for every servant, provided he came into the province within five years from this period. At its first meeting the General Assembly enacted, that no freeman should be sued for any cause of action originating out of the country for the space of five years, and all persons were prohibited receiving a power of attorney for the purpose of receiving such debts.† The proprietors finding their settlement to grow very tardily, notwithstanding these inducements to encourage

* Story.

† Winterbotham.

settlers, attributed it to the plan of government they had adopted, and the famous philosopher John Locke was employed to draft a frame of administration for the Province. His political theories were ill-adapted to the actual condition of man, or the existing relations of society, and his plan of government demonstrated the inability of mere closet speculation to provide for the regulation of communities, or the amelioration of the condition of mankind. It was soon found to be inadequate to the wants, the feelings, the condition, and character of the people, and was abandoned, and the older form re-established. The earliest settlements were made at Cape Fear, and Albemarle. The legislation of the two settlements was distinct, though they were brought under the same executive administration. They became entirely separated in 1732. In June of this year, a plan was formed in England for planting a colony on the territory lying between the river Savannah and Altamahaw—the object of the proprietors was similar to that which led to the settlement of New England, as well as “to strengthen the province of Carolina, and provide a maintainance for suffering and indigent families in Great Britain and Ireland.” A charter of incorporation was obtained from George II. which conferred the usual powers of corporations in England. It placed the management of the colony in the corporation, and a council of sixteen persons, to be first nominated by the crown, and afterwards chosen by the proprietors. Under the auspices of this corporation, General James Oglethorpe, and one hundred and sixteen persons embarked for America, in November. They landed at Yamacraw and commenced to explore the country for a convenient spot to plant their colony. Arriving at a beautiful and elevated plain, on the banks of a river

called by the natives Savannah, they planted the city which now bears that name, and thus was laid the foundation of GEORGIA.

CHAPTER II.

THIS cursory reference to the origin of the several colonies in the southern section of our country, prepares us to proceed with their general governmental regulations. In doing this we find them resolved into three different classes, PROPRIETARY, PROVINCIAL, and CHARTER GOVERNMENTS.

The PROPRIETARY were so denominated because the individual to whom the grant was made, was invested with all power and authority, independent on any interference of the Crown and Parliament, except, as it was expressly provided, when he departed from the objects of the grant. He possessed all the prerogatives of royalty, and the inferior powers of legislation which formerly belonged to the owners of counties Palatine in England. He was authorised to frame all laws, ordinances and institutions which were necessary to promote the interest, or for the better regulation of the colony. He appointed the Governor, and had power to direct him to call an assembly of the freemen or their delegates, to demand their assistance in devising the mode in which the functions of government should be performed, or he might himself devise that mode. The Executive power resided in the Proprietary. In the early history of these colonies, as we have seen, the whole body of the people met to enact their laws,

and to provide for the general interests of the colony, but their ordinances were always subject to the revision of the Proprietary. It is obvious that under such a policy of government many occasions might occur when the exercise of these prerogatives might be of great detriment, and tend even to the oppression of the colonists. Laws which, in the view of the people or their assembly of delegates, might be for their benefit, could be prevented if they were not agreeable to, or coincident with, the views, the wishes, or perhaps even the caprices of the Proprietor. Accordingly we find that the history of these colonies presents an almost uninterrupted series of quarrels or controversies between the Proprietary and the people. At the time of our Revolution PENNSYLVANIA, DELAWARE and MARYLAND existed under this form of government.

The PROVINCIAL governments were those which were framed under commissions issued by the Crown, which contained usually the appointment of the individual to whom they were directed to the office of Governor or Vice-Gerent of the Crown. They derived their characteristic features from the nature of these commissions and the instructions with which they were accompanied. The Governor or Vice-Gerent as he was called, was required to conduct the administration of the government agreeably to the laws of England, and was liable to be punished by those laws in case of mal-administration. A council was also named in the commission who were associated with the Governor as assistants in the performance of executive business. With their advice, the Governor had power to establish courts; to appoint judicial and other officers and magistrates; to pardon offences; to remit fines imposed, or forfeitures incurred; to collate to

churches and benefices ; to levy military forces for defence ; and to execute martial law in times of war, invasion, or rebellion. The Governor also had the power to suspend any member of the council from office, and to fill any vacancies which might occur, subject to the pleasure of the Crown. These commissions also provided for the convening of the assemblies of the freemen, or their representatives, who, with the Governor and Council, composed the legislative of the Province, the council composing the upper branch, and the representatives the lower branch, with a negative upon their enactments residing in the Governor. All laws after their final passage were subject to the revision of the Crown in England. Both the Judicial officers and the Governor were dependant upon appropriations made by the assemblies for their compensation, which regulation operated as a healthful check against any violent assumption of authority or abuse of power. Appeals lay to the Crown from the higher Courts of judicature. NEW HAMPSHIRE, NEW YORK, NEW JERSEY, VIRGINIA, GEORGIA and NORTH and SOUTH CAROLINA existed under this frame of administration at the time of our revolution. The two last named Provinces were originally Proprietary, but this form of government was attended with great embarrassment. The haughty and independent spirit of the people rebelled against the insolence and oppression of the Proprietors. They threw off their authority, proclaimed themselves independent, and elected their own Governor and members of assembly, in 1719. This form of government was afterwards confirmed to them under a commission from the Crown.

Those of the third class, the CHARTER-GOVERNMENTS, were such as derived their existence under a

charter containing a grant of political powers and privileges to the Company generally. Their first Governor was appointed by the crown, and after that by the Company. We have already seen what were the general provisions of these charters, and how they were departed from in the several colonies established under them, and how in the progress of their history they gradually assumed the exercise of more liberal executive, legislative, and judicial powers, than were warranted by their early charters. The new charters which some of them subsequently received, expressly secured to them many of these powers and privileges. Their Governors were appointed by the Crown, while the Council was chosen by the General Assembly, and the representatives by the people themselves. MASSACHUSETTS, RHODE ISLAND, and CONNECTICUT, were the only charter governments existing at the time of our revolution. The two last named came to be more purely democratic than any other of the colonial governments. The Governor, Council, and Representatives were chosen directly by the people, and all other officers were appointed by them.

Such were the principal features wherein the several colonies differed in their general governmental regulations. We now propose to point out those in which their administrations were similar, and which, while they proclaim their consanguinity to each other and to the mother country, at the same time develop the growth of those ties of political relationship which served in their more perfect maturity to harmonize their opinions, and bind them together in a perfect, a permanent, and happy union. To all of the colonists and their descendants, in each of the colonies, were guaranteed all the rights, privileges, and immunities,

of native-born subjects of England, while upon the legislative powers of each was imposed the restriction that their laws should not be repugnant, but as nearly as might be agreeable, to the laws of England. This restriction was but little regarded, however, in most of the colonies, and it does not appear to have been rigidly enforced by the crown. They availed themselves of the qualification it seemed to contain, and adopted a latitude of construction which admitted the passage of laws and ordinances differing from those of the parent state, wherever the latter were regarded as inappropriate to their condition and circumstances. Occasions frequently arose which rendered this liberty of legislation necessary to their preservation and prosperity. Indeed, in the several colonies the same provisions of the common law were not found of a like suitable application, but were adopted with a singular variety of construction, and although each of them regarded the common law of England as its just right, and the foundation of its own juridical system, it were difficult to trace the varied superstructure in each to the same original source. We find, however, a much wider departure from their charter provisions in their legislative enactments, than in their judicial decisions. These provisions, and the laws of the mother country, whether springing from the ordinances of the Crown or the enactments of Parliament, were alike disregarded, unless where they had reference to their relations with the mother country, or did not interfere with their internal policy.

The right of choosing delegates who should constitute a branch of their legislative assembly, to represent and protect their interests, was rigidly insisted upon and enjoyed by all the colonies. It had been always

claimed by them as a fundamental principle, and was admitted in the organization of the Proprietary and Charter governments, while in the Provincial frequent controversies arose between the crown and the colonists as to its nature and extent. "Virginia was for many years distracted under the government of Presidents, and Governors, with Councils, in whose nomination or removal the people had no voice, until in the year 1620 a House of Burgesses broke out in the colony, without any powers or directions from the King and the Grand Council at home permitting it. The Governor and Assistants of Massachusetts Bay at first intended to rule the people, and obtained their consent for it, but this lasted only two or three years, and although there was no colour for it in the charter, yet a house of deputies suddenly appeared in 1634, to the surprise of the magistrates, and the disappointment of their schemes for power. Connecticut soon after followed the plan of Massachusetts. New Haven, although the people had the highest reverence for their leaders, and for nearly thirty years, in judicial proceedings, submitted to the magistracy (who, however, be it remembered, were annually chosen) without a jury, yet in matters of legislation the people from the beginning would have their share by their representatives. New Hampshire combined together under the same form as Massachusetts. Lord Say tempted the principal men of Massachusetts, to make them and their heirs nobles and absolute governors of a new colony, but under this plan they could find no people to follow them. After the restoration there is no instance of a colony settled without a representative of the people, nor any attempt to deprive the colonies of this privilege except in the

arbitrary reign of King James II.”* The crown claimed that this privilege originated not in any right, or from the commissions under which the Provincial governments were established, but in its own good pleasure and bounty. That it had a right to exercise its prerogatives in fixing their number, in determining when and how they should be chosen, when and how often they should assemble, and how long their sessions should continue. On the other hand, it was claimed that from the beginning it was stipulated that the colonists were to enjoy “all the liberties, privileges, and franchises of English subjects,” and one of these was the right of representation. This it was well reasoned, was in effect taken away, if a power resided in the crown to continue an Assembly without a new election. The point at issue was of too serious a nature to be regarded by the colonists as of merely local importance. The controversy elicited the interest and awakened the anxieties of all. They truly argued that if such doctrines were to prevail over any portion of the continent, it would open the way for a wider usurpation, and the same arbitrary sway would be in course extended over the rest. They felt that the question involved a vital principle of political freedom, and that it would endanger all their liberties to give it up. Accordingly the several Colonial Assemblies passed resolutions in a bold, manly, and decisive spirit, insisting on this right. So that at the time of our revolution there was not one of them without a representative Assembly of its own choosing.

The tenure by which lands were held was all the same in all of the colonies, and of the most free and liberal nature, they being “holden of the crown

* Hutchinson.

in free and common soccage, and not in capite or by knight-service." They were thus exempted from the oppressions and servitude which feudalism had introduced into the mother country. Being independent on the will of a superior lord, they almost universally regarded themselves as the proprietors of the soil which they occupied and cultivated. The necessary consequence of this system of tenure was, that it produced a uniform and simple mode of conveying and transferring property in all the colonies. Deeds, or other instruments of conveyance, when executed, acknowledged, and recorded, were considered as fully efficient in transferring the title to property, without any of the attendant ceremonies of delivery, or taking possession, which had obtained in England.*

The several colonies were also distinct and independent of each other, each possessing and exercising within its jurisdiction, all the powers necessary for its own internal regulation, while at the same time they were each and all dependant upon Great Britain, declared and admitted to be a part of her dominions. They freely acknowledged their allegiance to the crown, were excluded from all connection with foreign states, and, as dependencies they followed the fate and fought the fortunes of the parent country; as such also they claimed and enjoyed the right of appeal to the crown from the adjudications of their several colonial governments, and their appeals were heard and determined by the King in Council.† In their intercourse and relations with each other they were perfectly amicable and harmonious, and each inhabitant enjoyed free ingress and egress, and could claim the same rights and liberties in the one as in the other. Like brethren of the same family, sharing

* Story

† Story. Kent.

the same protection, and enjoying the same blessings, under the guidance and direction of the same common parent whom they loved and venerated, they were one people—one in origin—one in language—one in inheritance—one in dependance—one in interest—one in sympathy—one in destiny.

CHAPTER III.

THE treaty of Paris, wherein France ceded to Great Britain all her possessions east of the Mississippi, was an important æra in the governmental history of the colonies. It relieved them from the agitations and embarrassments so frequent during the existence of that power in America, and which had so much disturbed their tranquillity and impeded their prosperity. Had England taken advantage of the grateful feelings awakened in the colonies by the peace of 1763, she might have secured for ever their loyalty, and their allegiance. We may be permitted to express our surprise at the policy which she pursued, but it was not the province, nor was it in the power, of human ingenuity to uncover the mysterious designs of that Providence who directs the destinies of men and of empires. Already had been developed and set in operation a train of causes whose progressive influences must bring about the independence of these colonies, and make this continent the abode of a great nation—the refuge of the oppressed—the home of free principles—the sanctuary of true religion—the hope of mankind, nor could any human forethought or sagacity stay their tendencies to this result. Peace was proclaimed, but to accomplish it had thrown a heavy burden of

debt upon England, while to preserve it it was supposed would require a large increase of her military establishment. Finding her own resources insufficient to sustain this weight of debt, and to supply this increase of expenditure, her Parliament resolved that it was "just and necessary that a revenue should be raised in America." Accordingly an act was passed which recited that "Whereas it is just and necessary that a revenue be raised in America for defraying the expenses of defending, securing, and protecting the same, We, the House of Commons, &c., towards raising the same *give and grant* unto your Majesty the sum of £—— here follows a specification of duties and imports imposed upon the colonies: the monies arising therefrom to be paid into the receipt of his Majesty's exchequer, to be entered separate, and reserved to be disposed of by Parliament towards defraying the necessary expenses of defending, protecting, and securing America."

In defining their relations with the mother country the several colonies had early taken a distinction between the ordinances of the Crown and the enactments of the Parliament. They admitted that they were bound to render all due allegiance to the former, while they denied the supremacy of the latter. They insisted that in themselves they possessed all legislative powers, and were not bound by any legislative provisions in which their representatives had had no voice, or to which they had not given their consent, and they had always complained of all such acts as grievances. At times, however, the decisions of their judiciary had compelled them to relinquish this position, so far as to acquiesce in the power of Parliament to pass such acts as were made to promote their general interests, or to

regulate their commerce, or to establish their relations with the mother country; and they had even gone so far as to assent to the imposition of duties which were laid for these purposes. But still they had stoutly claimed that the Parliament had no right whatever to levy any internal tax without their assent. As early as the year 1692, the General Court of Massachusetts Bay passed an act wherein they denied the existence of any such right. Subsequently to this the General Assembly of New York passed a similar resolution, wherein the supremacy of the Parliament was denied, not merely on the point of taxation, but with regard to legislation generally.* Now, the colonies generally contended,—“if a British Parliament, in which we are unrepresented and over which we have no control, can take from us any part of our property, by direct taxation, they may take as much as they please and we have no security for anything that remains, but a forbearance on their part, less likely to be exercised in our favor, as they lighten themselves of the burthens of government in the same proportion that they impose them upon us.” Till this period no act had been passed by Parliament for the avowed purpose of raising a revenue. All the previous acts related to the regulation and establishment of their commerce, through which source alone their contributions to the support of the empire of Great Britain were sought to be derived. The causes which had operated to produce their acquiescence in the superintending control which had been thus exercised by Parliament, in the restrictions which were imposed by the Navigation Act, are very vividly pourtrayed in a speech delivered in Parliament at this time,† by Sir Edmund Burke. The colonists,

* Kent. Story.

† 1764.

he says, had submitted to these infringements upon their rights "because men do bear the inevitable constitution of their nature with all its infirmities. The "Act of Navigation attended the colonies from their infancy, grew with their growth and strengthened "with their strength. They were confirmed in their "obedience to it even more by usage than by law. "They scarcely had remembered a time when they "were not subject to such restraints. Besides they "were indemnified for it by a pecuniary compensation. "Their monopolist happened to be one of the richest "men in the world. By his immense capital—primarily employed, not for their benefit, but his own—they "were enabled to proceed with their fisheries, their "agriculture, their ship-building—and their trade too in "the limits—in such a manner as got far the start of "the slow languid operations of unassisted nature. "This capital was a hot-bed to them. Nothing in the "history of mankind is equal to their progress. For "my part I never cast an eye on their flourishing commerce and their cultivated and commodious life, but "they seem to me rather ancient nations grown to perfection through a long series of fortunate events, and "a train of successful industry, accumulating wealth "in many centuries, than the colonies of yesterday ; "than a set of miserable outcasts a few years ago, not "so much sent as thrust out on the bleak and barren "shore of a desolate wilderness, three thousand miles "from all civilized intercourse. All this was done by "England, while England pursued trade and forgot "revenue. You not only acquired commerce, but you "actually created the very objects of trade in America ; "and by that creation you raised the trade of this kingdom at least fourfold. America had the compensation

“of your capital which made her bear her servitude. She had another compensation which you are now going to take away from her. She had—except the commercial restraint—every characteristic mark of a free people in all her internal concerns. She had the image of the British Constitution—she had the substance. She was taxed by her own representatives, she chose her own magistrates; she paid them all. She had in effect the sole disposal of her own internal government. This whole estate of commercial servitude and civil liberty, taken together, is certainly not freedom; but comparing it with the ordinary circumstances of human nature, it is a happy and a liberal condition.”

This address not only points out the causes of the submission of the colonies to the legislative powers exercised over them by Parliament, but it also develops those which now inspired their resistance. As we have already observed, till now no act had been passed for the avowed purpose of raising a revenue. The word *revenue* had not been used in any of those acts which ran through a period of fourteen years,* it was avoided in all the laws respecting them, which always had reference more particularly to trade, and not to revenue, and while these conduced to their mutual advantage and promoted their welfare, they assented to the principle of commercial monopoly thus exercised by the parent state. But the *Revenue acts* were the introduction of a new, an altogether different, a more oppressive, and an offensive policy. They were an innovation which aimed a fearful blow at the dearest and most sacred rights of the colonies. They were at war with what they had learned to regard as the very spirit and essence

* 1660 to 1764.

of civil liberty, the fundamental maxim of political freedom. They had grown up in the persuasion and belief that their own assemblies were to them what the parliament was to the people of England, and that taxation and representation were inherent and inseparable qualities of a free government. But if the principle involved in the *Revenue Acts* roused the opposition of the colonies, the manner in which their provisions were sought to be enforced excited their bitterest indignation and hostility. Jurisdiction over delinquents was confined to a Court of Admiralty in England. On the mere accusation, before any conviction they were to be transported over an ocean of three thousand miles, separated from their kindred, and country, deprived of the opportunity of carrying on their business, by which their families were supported, and subjected to the trouble and expense of procuring the attendance in England of their own witnesses, or else were condemned without the benefit of their testimony.* Thus they were deprived of the first right of Englishmen, trial by a jury of their own countrymen. Nor was this the only or full extent of the evil.—The Admiralty Judge receiving his appointment from, and holding his office during the good pleasure of, the Crown, and withal deriving his compensation out of the penalties and forfeitures arising under his jurisdiction, could not be supposed to administer justice with an impartial hand. This act was followed by a Bill for laying *Stamp duties* in America, which was introduced by Lord Grenville in March 1765. It provided that instruments in writing which were used in all commercial transactions—contracts, conveyances, &c., should be null and void unless they were executed on

* Bisset.

stamped paper, or parchment, which paper or parchment was charged with a duty imposed by the Parliament. Its introduction drew forth in defence of the position taken by the colonies, or rather, in opposition to the violations of constitutional liberty which it contained, some of the ablest expositions of the principles of freedom which were ever made in the halls of the Parliament of England.

Mr. Charles Townsend, one of the advocates of the Bill, in the conclusion of a speech in support of it said—"And now will these Americans, children planted by our care, nourished by our indulgence, till they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burthen which we lie under?" Colonel Barre of the opposition, replied, "They planted by your care? No, your oppression planted them in America. They fled from tyranny to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable, and, among others, to the cruelties of a savage foe, the most subtle, and I will take upon me to say the most formidable of any people on the face of the earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure compared with those they suffered in their own country from the hands of those who should have been their friends. They nourished by your indulgence? They grew up by your neglect of them.—As soon as you began to care about them, that care was exercised in sending persons to rule them in one department and another, who were perhaps, the deputies of deputies to some members of this House, sent to spy out their liberties, to misrepresent their ac-

tions, and to prey upon them—men whose behaviour on many occasions, has caused the blood of these sons of liberty to recoil within them—men promoted to the highest seats of justice, some who, to my knowledge, were glad, by going to a foreign country, to escape being brought to the bar of a court of justice in their own. They protected by your arms? They have nobly taken up arms in your defence, have exerted a valour, amidst their constant and laborious industry, for the defence of a country whose frontier was drenched in blood, while its interior parts yielded its little savings to your emolument: and believe me, remember I this day told you so, that same spirit of freedom which actuated that people at first will accompany them still: but prudence forbids me to explain myself further. God knows, I do not at this time speak from any motives of party heat; what I deliver are the genuine sentiments of my heart. However superiour to me in general knowledge and experience the respectable body of this House may be, yet I claim to know more of America than most of you, having seen and been conversant in that country. The people, I believe, are as truly loyal as any subjects the King has, but a people jealous of their liberties, and who will vindicate them, if ever they should be violated; but the subject is too delicate—I will say no more.” Sir Edmund Burke on the part of the opposition to the Bill, rose and said—“The great contests for freedom in England were from the earliest times chiefly upon the question of *taxing*. On this point of *taxes* the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the

excellence of the English constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went further; they attempted to prove, and they succeeded; that in theory it ought to be so, from the very nature of a House of Commons as an immediate representative of the people; whether the old records delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves mediately or immediately possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life blood, these ideas and principles. Their love of liberty as with you, is fixed, and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat they thought themselves sick or sound. And your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they as well as you had an interest in these common principles."

CHAPTER IV.

THE first Charles attempted during his reign to levy ship-money and other taxes, without the inter

vention of a Parliament, and the attempt was resisted as an infringement of the liberties of the people, as well as a violent invasion of the rights secured to them by the English Constitution. It involved him in a passionate controversy with his subjects which terminated only in bringing his head to the block. James II. undertook to exercise a similar policy, but it resulted in his expulsion from the throne, and a transfer of his crown to the Prince and Princess of Orange. These disastrous conflicts between the liberties of the people on the one side, and the assumed prerogatives of royalty on the other, convulsed the kingdom, and ended only in the establishment in England of these fundamental principles—" *That* it was the undoubted right of English subjects, being freemen or free-holders, to give their property only by their own consent, *that* the House of Commons exercised the sole right of granting the money of the people of England *because that House alone represented them* ; *that* the taxes were the free gifts of the people to their rulers ; *that* the authority of the Sovereigns was to be exercised only for the good of their subjects ; *that* it was the right of the people peaceably to meet together and consider their grievances, and to petition for a redress of them, and if intolerable grievances were unredressed, if petitions and remonstrances failed to produce relief, they had the right to seek it by forcible means."* While these struggles were going on in England the colonies were forming in America, and they had imbibed and cherished all these notions of liberty. "It must have been supposed," says Governor Bernard of Massachusetts "that such an innovation, as a parliamentary taxation, would cause great alarm, and meet with much opposition in

* Winterbotham.

most parts of America; it was quite new to the people, and had no visible bounds to it."

Petitions were sent to the King, and remonstrances were addressed to the Parliament, by the several Colonial assemblies, through the medium of the Board of Trade in London; but they were ungraciously received, the mad measure was persisted in, and the "*Stamp Act*" was passed. The publication of it in America produced the greatest excitement. The General Assembly of Virginia, being in session at the time, passed the following resolutions, which were the first published in the Colonies with reference to this measure.

"WHEREAS, The Honorable House of Commons, in England, has of late drawn into question how far the General Assembly of this colony hath power to enact laws for laying taxes and imposing duties, payable by the people of this his Majesty's most ancient colony; for settling and ascertaining the same to all future times, the house of Burgesses of the present General Assembly have come to the several following resolutions:

RESOLVED, That the first adventurers and settlers of this his Majesty's colony and dominion of Virginia, brought with them, and transmitted to their posterity, and all others his Majesty's subjects since inhabiting in this his Majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

RESOLVED, That by two royal charters, granted by King James I., the colonies aforesaid are declared entitled to all the privileges of denizens, and natural born subjects, to all intents and purposes as if they had been abiding and born within the realm of England.

RESOLVED, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguished characteristic of British freedom, and without which the ancient constitution cannot subsist.

RESOLVED, That his Majesty's liege people of this most ancient colony have uninterruptedly enjoyed the right of being thus governed

by their own assembly in the article of their taxes and internal police, and that the same hath never been forfeited, nor in any other way yielded up, but hath been constantly recognized by the King and people of Great Britain.

RESOLVED, THEREFORE, That the General Assembly of this colony have the sole power to lay taxes and impositions upon the inhabitants of this colony, and that every attempt to vest such a power in any person or persons whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy *British* as well as *American* freedom.

Soon after the passage of these resolutions the Assembly adjourned, and writs were issued directing a new election of Burgesses. Those who had voted for these resolutions were unanimously re-elected, while those who had opposed them were defeated. Resolutions proclaiming the same doctrines, and breathing a similar spirit, were also passed by the Assemblies of NEW YORK, MASSACHUSETTS BAY, and most of the other colonies, as they convened. Town meetings were everywhere held and the Representatives of the people were instructed to oppose the *Stamp Act*. The following, addressed to the representative of the town of Plymouth in Massachusetts Bay, by his constituents, are interesting not only for the spirit which they breathe and the sentiments which they contain, but also as illustrations of the causes of that hostility to the proceedings of Parliament which pervaded the colonies.

You, Sir, represent a people who are not only descended from the first settlers of this country, but inhabit the very spot they first possessed. Here was first laid the foundation of the British Empire in this part of America, which, from a very small beginning, has increased and spread in a manner very surprising, and almost incredible, especially when we consider that all this has been effected without the aid or assistance of any power on earth; that we have defended, protected, and secured ourselves against the invasions and cruelties of savages, and the subtlety and inhumanity of our inveterate and natural enemies, the French; and all this without the appropriation of any tax by stamps, or

stamp acts, laid upon our fellow-subjects, in any part of the King's dominions, for defraying the expense thereof. This place, Sir, was at first the asylum of liberty, and we hope will ever be preserved sacred to it, though it was then no more than a barren wilderness, inhabited only by savage men and beasts. To this place our fathers—whose memories be revered—possessed of the principles of liberty in their purity, disdaining slavery, fled to enjoy those privileges, which they had an undoubted right to, but were deprived of by the hands of violence and oppression in their native country. We, Sir, their posterity, the freeholders and other inhabitants of this town, legally assembled for that purpose, possessed of the same sentiments, and retaining the same ardor for liberty, think it our indispensable duty, on this occasion, to express these our sentiments of the Stamp Act and its fatal consequences to this country, and to enjoin upon you, as you regard not only the welfare, but the very being of this people, that you—consistent with our allegiance to the King, and relation to the government of Great Britain—disregarding all proposals for that purpose, exert all your power and influence in opposition to the *Stamp Act*, at least till we hear the success of our petitions for relief. We likewise, to avoid disgracing the memories of our ancestors, as well as the reproaches of our own consciences, and the curses of posterity, recommend it to you, to obtain if possible, in the Honorable House of Representatives of this Province, a full and explicit assertion of our rights, and to have the same entered on their public records, that all generations yet to come may be convinced, that we have not only a just sense of our rights and liberties, but that we never, with submission to Divine Providence, will be slaves to any power on earth.

At this crisis it was resolved in the Assembly of Massachusetts Bay that it was expedient to convene a general congress of delegates from the several colonies, in order to consult as to the most advisable mode of meeting the exigencies of the country. Circulars were accordingly addressed to the several Assemblies of the colonies recommending that such a convention should be held in the city of New York, on the first Monday of October then next.* South Carolina was the first colony south of New England which acceded to this proposal for a continental union. The influence of her

* 1765,

example served to allay the apprehensions of those colonies which doubted the expediency of the measure. Twenty-eight delegates met at the time and place appointed, from the colonies of MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, and SOUTH CAROLINA. The Governors of VIRGINIA, NORTH CAROLINA, and GEORGIA interfered and prevented those colonies from sending delegates; but they each forwarded petitions and resolutions, in which they strongly insisted upon the unconstitutionality of the *Stamp Act*. This Congress drew up a petition to the crown, stating their grievances, a petition to the House of Lords, and a memorial to the House of Commons. They also published a Declaration of Rights, which, as it contains a full exposition of the grievances complained of, and the rights which they asserted, and also exhibits their true position towards the mother country at this stage of the controversy, necessarily becomes a part of our history.

DECLARATION OF RIGHTS BY THE COLONIAL CONGRESS.*

The members of this Congress sincerely devoted with the warmest sentiments of affection and duty to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent, having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late Acts of Parliament. They declare therefore,

* New York, 1765.

I. That his Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain that is owing from his subjects born within the realm, and all due submission to that body the parliament of Great Britain.

II. That his Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives.

IV. That the people of these colonies are not, and, from their local circumstances, cannot be represented in the House of Commons in Great Britain.

V. That the only representatives of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed upon them, but by their respective legislatures.

VI. That all supplies to the Crown being free gifts from the people, it is unreasonable, and inconsistent with the principles and spirit of the British Constitution, for the people of Great Britain to grant to his Majesty the property of the colonies.

VII. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

VIII. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties, in the British Colonies and Plantations in America, &c." by imposing taxes on the inhabitants of these colonies; and the said acts, and several other acts, by extending the jurisdiction of Courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

IX. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burdensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

X. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted to the Crown.

XI. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

XII. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties, and

an intercourse with Great Britain mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these colonies to petition the King, or either House of Parliament.

XIV. That it is the indispensable duty of these colonies, to the best of Sovereigns, to the mother country, and to themselves, to endeavor, by a loyal and dutiful address to his Majesty, and humble application to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties; of all clauses of any other acts of Parliament, whereby the jurisdiction of the Admiralty is extended as aforesaid; and of the other late acts for the restriction of American commerce.'

These proceedings were made public after their adjournment, were transmitted to the several colonies, and were generally commended and approved by the people. The spirit which had animated the deliberations of the Congress was universally diffused throughout the colonies, and in all parts of the country exhibited itself in various hostile expressions of their indignant sense of outrage. The officers appointed to enforce the collection of the *Stamp duties* were burned in effigy, their offices were demolished, and they were obliged to resign their office or quit the country. Banners were everywhere displayed with the inscription, *Liberty and property forever, and no Stamps*. In Philadelphia, and other towns, on the arrival of the Stamps, the flags in the harbor were placed at half-mast, the bells were muffled and tolled during the day, and the citizens put on the habiliments of mourning. Like scenes were enacted in Virginia, Maryland and New York. In Boston a paper was issued called *The Constitutional Courant*, with the device of a snake cut into eight pieces, the head bearing the initials N. E. for New England, and the other parts the initials of New York, New Jersey, Pennsylvania, Maryland, North and South Carolina, with the motto "*Join or die*." A handbill

was also posted at the corners of the streets, and in all places of public resort, in large capitals, bearing the following inscription :

PRO PATRIA.

The first man that either distributes or makes use of Stamped paper let him take care of his house, person and effects—WE DARE

VOX POPULI.

In New Hampshire, on the morning of the day on which this act was to take effect, at sunrise, the bells began to toll. The people gathered as for a funeral procession. Eight persons bore on their shoulders a coffin inscribed LIBERTY, and which was supposed to contain her remains. Accompanied with the discharge of minutes-guns, the crowd moved slowly and mournfully to the place of interment. When they came to the grave a funeral oration was pronounced, and the coffin was lowered with deep solemnity, when, suddenly, signs of animation were discovered ; the coffin was raised and inscribed LIBERTY REVIVED. Shouts and acclamations, the cheerful sound of the trumpet, the noise of the drum mingling with the lively peal of the bells, announced the joyful event, and re-inspired the desponding hopes of the people.*

CHAPTER V.

THERE is nothing so forcible, so powerfully expressive of the spirit which pervaded the colonies at this time, as these various modes in which it was exhibited.

* Butler.

There are none of the uses of language so significant. They were not the wild and incoherent ebullitions of a lawless mob or an infuriated populace, for they were devised by men of character, station, and influence, and were everywhere conducted with decency and decorum. They were solemn and rational indications of a sense of real, deep, felt oppression, and addressed themselves to the noblest and best sympathies of our nature. The people went on regularly in the transaction of business in their courts, and in all the departments of trade and commerce, and printed and circulated their newspapers, without using stamped paper, as if no such act had been passed. Associations for the non-importation of British manufactures were formed by the merchants of New York, which were to continue until the *Stamp Act* was repealed. Their example was followed by the merchants of Boston, Philadelphia, and other sea-port towns. Committees were appointed by these several Associations to inspect British cargoes, and to report those of their constituents who traded in or purchased the articles prohibited; and the transgressors were censured not only, but their names were published in the public papers, and they were proclaimed odious.* Articles of Union were entered into between New York and CONNECTICUT, in which they expressed their allegiance to the Crown, and their strong attachment to the parent state. They declared that they had united only to defend themselves against the wrongs sought to be inflicted by Parliament, and seem not to have thought of a separation from the Crown. The colonies of MASSACHUSETTS BAY and NEW HAMPSHIRE soon acceded to this union, and it gradually extended its influence till ultimately it embraced all the colonies.

* Bissett.

The swell of this mighty torrent of indignation spread across the Atlantic. At its tumultuous murmur the throne trembled and the kingdom was convulsed. The check given to the commercial intercourse between the two countries, stopped the manufacturing establishments and extensively embarrassed the interests of trade in England, while it threw thousands out of employment, who were thus enlisted in favor of the claims of America. In the meantime a revolution was made in the British Cabinet. The new administration felt that measures had been pushed to a fearful crisis, and that it was time to pause, to deliberate upon the consequences which might ensue upon their further prosecution. This seemed the only, perchance the last moment for conciliation. The weight of a feather in the scale of policy might sever forever the tie which bound the colonies to the mother country, and alienate irrecoverably their allegiance to the Crown. The King, in his address, recommended conciliatory measures. On moving for the address Mr. Pitt said—"My position is this—I repeat it, I will maintain it to my last hour—taxation and representation are inseparable. This position is founded on the laws of nature. It is more. It is itself an eternal law of nature. For whatever is a man's own, is absolutely his own—no man has a right to take it from him without his consent. Whoever attempts to do it, attempts an injury,—whoever does it, commits robbery. You have no right to tax America; I rejoice that America has resisted. Three millions of our fellow subjects so lost to every sense of virtue, as tamely to give up their liberties, would be fit instruments to make slaves of the rest." He further insisted that taxation was no part of the governing power, but that taxes were the free gift and grant of the represen-

tatives of the people alone. He closed this able and eloquent defence of the position taken by the colonies, by moving—"that the Stamp Act be repealed, absolutely, totally, and immediately—at the same time let the sovereign authority of this country over the colonies, be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power, *except* that of taking their money out of their pockets without their consent." The new ministry generally coinciding in Mr. Pitt's sentiments, the *Stamp Act* was repealed on the 18th day of March, 1766.

In the more northern and commercial colonies the controversy had not been confined to the provisions of the *Stamp Act*, but embraced also the principle of Parliamentary interference in the regulation of their trade. Yet in all of them the intelligence of the repeal of the *Stamp Act* was received with great joy. Letters, addresses, resolutions, and public thanksgivings, expressed their grateful acknowledgments. Their hostile measures were at once suppressed. They revived their commercial intercourse, and, to use the expressive language of their own Congress, "fell into their ancient state of unsuspecting confidence in the mother country." But their confidence and their rejoicing were but momentary. The branch cast into the bitter waters had no healing virtues. When the Act of Conciliation reached the colonies it was found to be unsatisfactory. The reasons which were given for the repeal of the *Stamp Act*, as stated in the preamble of the Act, were, "that the collecting the several duties and revenues, as by the said Act was directed, would be attended with many inconveniences, and productive of consequences

dangerous to the commercial interests of this kingdom"—while in its declaratory provisions was the more obnoxious clause, "Parliament has, and of right ought to have, power to bind the colonies in all cases whatever." Thus in the same breath which repealed the *Stamp Act*, asserting the very principle which had rendered that act in itself so odious. This principle was sought again to be enforced by a Bill introduced into Parliament by Mr. Charles Townshend,* which imposed duties on "glass, paper, painters' colours, and teas, imported into America," part of the proceeds of which were to be appropriated to the payment of the officers of government. This measure was regarded as equally unconstitutional with the *Stamp Act*, and revived, with increased bitterness and boldness, all the indignation and resentment of the colonies. They now grew suspicious of the designs of the ministry of Great Britain, and entered into the controversy with a more independent hostility. It was urged that "the taxes are small." It was replied, "the principle is the same, and we contend for the principle." Papers, pamphlets, and periodicals were published, setting forth in a clear, distinct, and forcible light, the rights of the colonies, and exposing, with a master skill, the odious doctrines which were concealed under the guise of "small taxes." Never were the principles of civil liberty so clearly set forth, so luminously illustrated, or so ably advocated, as by the American statesmen and patriots of that day, while the justice of their reasoning was freely acknowledged by all liberal and unprejudiced minds in the mother country. The general language of the colonies was "we are not permitted to import from any nation, other than our parent state, and have been in some cases by her

* 1767.

restrained from manufacturing for ourselves, and she claims a right to do so in every instance which is incompatible with her interests. To these restrictions we have hitherto submitted. But she now rises in her demands, and imposes duties on those commodities, the purchasing of which elsewhere than at her market, her law forbids, and the manufacturing of which for our own use, she may, any moment she pleases, restrain. If her right is valid to lay *a small tax*, it is equally so to lay *a large one*, for, from the nature of the case, she must be guided exclusively by her own opinions of our ability, and of the propriety of the duties she may impose. Nothing is left for us but to complain or pay. We must abstain entirely from using those articles, which cannot be dispensed with, or we must pay a tax imposed without our consent." They again addressed their petitions, remonstrances, and appeals to the crown, the Parliament, and the people of England. But these produced no salutary impressions. Their appeals were suppressed, their petitions were disregarded, and their remonstrances were put under the table. On the twenty-seventh of May,* Parliament enacted "a bill for "restraining the Assembly of New York from passing "any Act, until they had complied with the Act of "Parliament for furnishing his Majesty's troops with "necessaries, required by said Act." This was adding insult to injustice; an attempt to force the colonial legislature to provide for the maintenance of an army quartered upon them to punish, at the point of the bayonet, their hostility to the "*Revenue Act*."

The effect generally produced by this ordinance of Parliament, as well as the quick sympathy, and unity of purpose, which existed throughout the colonies, are

* 1767.

well illustrated in a letter sent from the House of Burgesses of Virginia to the General Court of Massachusetts Bay, in reply to a circular issued by the latter, which we shall presently notice. That letter reads, "the Act suspending the legislative power of New York we consider as still more alarming to the colonies, though it has that single Province in view. If Parliament can compel them to furnish a single article to the troops sent over, they may, *by the same rule*, oblige them to furnish clothes, arms, and every other necessary, even the pay of the officers and soldiers—a doctrine replete with every mischief, and utterly subversive of all that is dear and valuable. For what advantage can the people of the colonies derive from choosing their own representatives, if these representatives, when chosen, be not permitted to exercise their own judgments, be under a necessity—on pain of being deprived of their legislative authority—of enforcing the mandates of a British Parliament." In the following year* the General Court of Massachusetts Bay addressed letters to several members of the administration in England, and also prepared a circular address to be transmitted to the speaker of the Assembly of each of the several colonies in America. The sentiments contained in this circular were readily responded to throughout the country, and it presents so just and comprehensive a view of the position assumed by all of the colonies, that we consider it due to the design of this work to insert it here. It proceeds:

Sir,—The House of Representatives of this Province, have taken into their consideration the difficulties that must accrue to themselves and their constituents, by the operation of the several acts of Parliament, imposing duties and taxes on the American colonies. As it is a subject in which every colony is deeply interested, they have no reason to doubt but your House is duly impressed with its importance, and that such con-

stitutional measures will be come into as are proper. It seems to be necessary that all possible care should be taken that the representatives of the several Assemblies, upon so delicate a point, should harmonize with each other. The House, therefore, hopes that this letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your or any other House of Assembly on the continent. The House have humbly represented to the ministry their own sentiments; that his Majesty's High Court of Parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed; and, as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it without destroying its foundation; that the constitution ascertains and limits both sovereignty and allegiance; and, therefore, his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British Constitution; that it is an essential, unalterable right in nature, ingrafted into the British Constitution as a fundamental law, and ever held sacred and irrevocable, by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his consent; that the American subjects may therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of freemen and subjects, assert this natural and constitutional right. It is moreover their humble opinion, which they express with the greatest deference to the wisdom of the Parliament, that the acts made there, imposing duties on the people of this Province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British Parliament, his Majesty's Commons in Britain, by those acts, grant their property without their consent. This House are further of the opinion that their constituents, considering their local circumstances, cannot by any possibility be represented in the Parliament; and that it will forever be impracticable that they should be equally represented there, and consequently not at all, being separated by an ocean of a thousand leagues; that his Majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the inalienable right of a representation. Also, that, considering the utter impracticability of their ever being fully and equally represented in Parliament, and the great expense that must unavoidably attend even a partial representation there, this House think, that a taxation of their constituents, even without their consent, grievous as it is,

would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering that were the right in the Parliament ever so clear, yet for obvious reasons it would be beyond the rule of equity that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the acts of trade, this House have preferred a humble, dutiful, and loyal petition to our most gracious Sovereign, and made such representations to his Majesty's ministers as they apprehend would tend to obtain redress. They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the Crown, in addition to its undoubted authority of constituting a Governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the Crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject. In addition to these measures the House have written a letter to their agent, Mr. dé Berdt, the sentiments of which he is directed to lay before the ministry; wherein they take notice of the hardship of the act for preventing mutiny and desertion, which requires the Governor and Council to provide enumerated articles for the King's marching troops, and the people to pay the expense. And also the commission of the gentlemen appointed Commissioners of the Customs to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose malconduct they are not accountable; from whence it may happen that officers of the Crown may be multiplied to such a degree as to become dangerous to the liberties of the people, by virtue of a commission which doth not appear to this House to derive any such advantages to trade as many have been led to expect.

These are the sentiments and procedure of this House, and as they have too much reason to believe that the enemies of the colonies have represented them to his Majesty's ministers and the Parliament, as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty and his ministers, that, with regard to the people of this Province, and they doubt not of all the colonies, the charge is unjust. The House is fully satisfied that your Assembly is too generous and enlarged in sentiment to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other Assemblies. They freely submit their opinion to the judgment of others, and shall

take it kind in your House to point out to them anything further that may be thought necessary. This House cannot conclude without expressing their firm confidence in the King, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance.

PROVINCE OF MASSACHUSETTS BAY, Feb. 11. 1768.

A general union was again formed suspending the importation of all British manufactures. The badge of their associations contained the expressive sentiment *united we conquer, divided we die*. In accordance with resolutions adopted on the occasion, goods sent from the mother country were at once reshipped.



CHAPTER VI.

WHILE such was the aspect of affairs in America,* Lord Hillsborough, the then Secretary of State for the colonies, wrote to Lord Boutetourt the Governor of Virginia, instructing him that it was not the design of the present administration to impose any further taxes on America, but that it was intended at the next session of Parliament to propose to take off the duties on glass, paper, and colours, inasmuch as they had been imposed contrary to the true principles of commerce: In communicating these instructions to the General Assembly of Virginia the Governor said, "it may be objected that as his Majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform. And to that objection I can give but this answer, that it is my firm opinion that

* May, 1769.

the plan I have stated to you will certainly take place ; that it will never be departed from ; and so determined am I forever to abide by it, that I will be content to be declared infamous if I do not to the last hour of my life, at all times, and in all places, and upon all occasions, exert every power with which I either am or ever shall be legally invested, in order to obtain and maintain for the continent of America, that satisfaction which I have been authorised to promise this day by the confidential servants of our gracious Sovereign, who, to my certain knowledge, rates his honor so high that he would rather part with his crown than preserve it by deceit." These assurances, emanating from so distinguished a source, were confided in by the colonies, and for a while produced a partial relaxation of their hostile measures. The compact of non-importation which they had formed, however, producing great suffering and embarrassment among the manufacturers and merchants in England, those classes united in endeavouring to procure a repeal of the Act. The home opposition thus arrayed against the measures which had been pursued, was too powerful to be disregarded, while the proceedings in America were becoming more and more alarming. A Bill was accordingly introduced into Parliament* by Lord North, which afterwards passed into a law, repealing part of the duties imposed by the recent *Revenue Act*, leaving only a tax of *three pence per pound upon tea*. On this event the commercial intercourse between the two countries was revived in all other articles except tea. In the mean while the principles of constitutional liberty for which they had been contending were more dispassionately considered by all parties in America. The

* March, 1770.

people became more generally informed of their rights, and began to understand their true position and relations with the mother country. A careful investigation of their intercolonial relations discovered to them the injustice of many of those Parliamentary restrictions to which they had hitherto submitted without complaint, while they found that they had contributed, and were annually contributing, more towards the support of the government and the people of England, than her own home-resident subjects.* They therefore watched with a more inquisitive spirit all the proceedings of the Parliament. Under these circumstances it required a prudent and cautious administration of affairs to preserve the conciliatory spirit which followed the Act of 1770. Had such been the character of the measures adopted by the British ministry, the discontent and dissatisfaction which had heretofore involved them in so rude a controversy with the colonies, might entirely and perhaps forever have subsided. Though the Americans generally were opposed to the tea duties, yet the article continued to circulate in the commercial market of the southern and middle colonies, and was gradually working its way into those of New England, except only in Massachusetts Bay.

It was, however, afterwards proposed by the Ministry of Great Britain, to authorize the East India Company, by Act of Parliament, to export their teas directly to America without paying any duties in England.† The promulgation of this scheme, whereby heavy penalties were provided for enforcing the collection of these duties, was the parent of that lasting discord which terminated only in the severance of the colonies from all dependance on the crown of England. Under the provisions of this

* Winterbotham. Bisset. Burke.

† 1772.

act a cargo arrived in the port of Boston in the fall of the year. While the vessels were approaching the harbour a town meeting was held, and a committee was appointed to wait on the Consignees of these shipments, and persuade them to give the Captains the proper discharge and send the teas back again to England, which they declined doing. At a subsequent meeting, held in FANUEIL HALL, it was moved "that the tea should not be landed, that no duty should be paid, and that it should be sent back in the same bottoms." While this motion was pending Mr. Quincy arose and addressed the meeting in a strain of eloquence truly thrilling, and prophetic—"It is not," said he "Mr. Moderator, it is not the spirit that vapors in these halls that must stand us in stead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Whoever supposes that shouts and hosannahs will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant of the power of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosoms, to hope that we shall end this controversy without the sharpest, *sharpest* conflicts. It is idle to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapour, will vanquish our foes. Let us consider the issue, let us look to the end. Let us weigh and consider, before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw." This address shows how deeply and how seriously the ruling spirits of that day had revolved the aspect of

affairs throughout the country. The motion was again made after Mr. Quincy sat down, and the resolution passed without a dissenting voice. The assembly immediately adjourned, and the people became apprehensive that it was the intention of the Governor and Consignees to land the tea privately. A large concourse of citizens accordingly assembled on the wharf,* where several persons habited in the guise of Mohawk Indians, went on board of the ships and threw their cargoes, consisting of three hundred and forty-two chests of tea, into the sea.

CHAPTER VII.

THE shipments of the East India Company to New-York and Philadelphia were not permitted to be landed. Those to South Carolina were landed but not allowed to be sold. The resistance offered to them, however, assumed a more violent character at Boston than elsewhere, and the enactments of Parliament were now directed more particularly to that city. At its next session† a Bill passed which was called the *Boston Port Bill*. The Assembly and the Custom House was removed from Boston to Salem, armed vessels were stationed in her harbour, to prevent the entry of ships; a fine was imposed upon the Town equal to the value of the tea destroyed, and soldiers were quartered upon the citizens, to enforce obedience to the laws and regulations prescribed by Parliament. Strange as it may

* December 18, 1773.

† 1774.

now appear, it was confidently believed by the dominant administration party in England that by adopting these retributive measures against Boston, and thus making her an example, it would not only awe the other colonies into submission, but that also the advantage which they would derive from the closing of that port, would induce them to look indifferently on the controversy, and perhaps even to espouse the side of the mother country. But the interests and the principles involved in the contest were far otherwise estimated and regarded by the people of America. The following sentiments emanating from the town of Salem, which was more directly to be benefited by the measures adopted show how ignorant the ministry were of the spirit which reigned in the colonies. "By shutting up the port of Boston," they say, "some imagine that the course of trade might be turned hither, and to our benefit, but nature in the formation of our harbour forbids our becoming rivals in commerce with that convenient mart; and were it otherwise we must be dead to every idea of justice, lost to all feelings of humanity, could we indulge one thought to seize on wealth, and raise our fortunes, on the ruin of our suffering neighbours." These sentiments were everywhere responded to. Within a very short time after the *Port Bill* arrived in Boston, it was circulated through all of the colonies, printed with a broad black border, with various emblematical expressions of the views and dispositions of the people respecting it. In Philadelphia and other Towns, and throughout the colony of Virginia, the day appointed for its operation was regarded "with fasting, humiliation, and prayer." It was recommended in Virginia to implore "that God would give the people one

heart and one mind firmly to oppose every invasion of the American rights." Besides these religious exercises, the Assembly of Virginia then in session,

RESOLVED, That an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole should be applied.

Committees were also appointed to open a correspondence between the several colonies; and to confer on the expediency of calling a General Congress of Delegates from the several colonies to take into consideration the late Acts of Parliament, as well as to devise the best method of obtaining relief. The *Boston Port Bill* was followed by other Acts, changing the form of government, and interfering with the administration of justice in the colony of Massachusetts Bay. These arbitrary and high handed measures alarmed the people of the several colonies, and they heartily concurred in the proposition, and a Congress was accordingly appointed, which met at Philadelphia in the month of September.* This Congress was composed of fifty-one delegates, varying in the number of representatives appointed from the several colonies. On the opening of the Congress, inasmuch as they were not possessed of any mode or materials for ascertaining the importance of each colony, it was *resolved* that each colony or province should have one vote in determining all questions submitted to the consideration of the Congress. It was further *resolved* that the doors should be kept shut during the time of business, and that the members should consider themselves under the strongest obligations of honor, to keep the proceedings secret,

* 1774.

until the majority should direct them to be made public—that no person should speak more than twice on the same point, without leave of the Congress—that no question should be determined the day on which it was agitated and debated, if any one of the colonies should desire the determination to be postponed to another day—that the President might adjourn the Congress from day to day if he should find that there was no business prepared to be laid before them, and might, when he thought it was necessary, call them together before the time to which they stood adjourned. A committee was appointed to state the rights of the colonies in general, the several instances in which those rights had been violated or infringed, and the means most proper to be used for obtaining a restoration of them. Having received a communication from Massachusetts Bay, setting forth the late Acts of Parliament relating to that province, the following resolutions were passed :

RESOLVED, That this Congress do approve of the opposition made by the inhabitants of the Massachusetts Bay, to the execution of the late acts of Parliament; and if the same shall be attempted to be carried into execution by force, in such case, all America ought to support them in their opposition.

RESOLVED, That the removal of the people of Boston into the country, would be not only extremely difficult in the execution, but so important in its consequences, as to require the utmost deliberation before it is adopted. But in case the Provincial Meeting of that colony shall judge it *absolutely* necessary, it is the opinion of this Congress that all America ought to contribute towards recompensing them for the injury they may thereby sustain.

RESOLVED, That this Congress do recommend to the inhabitants of Massachusetts Bay, to submit to a suspension of the administration of justice, where it cannot be procured in a legal and peaceable manner, under the rules of the charter, and the laws founded thereon, until the effects of our application for the repeal of the Acts, by which their charter-rights are infringed, is known.

RESOLVED UNANIMOUSLY, That every person who shall take, accept, or act under any commission or authority, in anywise derived from the Act passed in the last session of Parliament, changing the form of government, and violating the charter of the Province of Massachusetts Bay, ought to be held in detestation, and considered the wicked tool of that despotism which is preparing to destroy those rights which God, nature, and compact, have given to America.

RESOLVED UNANIMOUSLY, That the people of Boston and the Massachusetts Bay, be advised still to conduct themselves peaceably towards his Excellency General Gage, and his Majesty's troops now stationed in the Town of Boston, as far as can possibly consist with their immediate safety and the security of the town, avoiding and discountenancing every violation of his Majesty's property, or any insult to his troops; and that they peaceably and firmly persevere in the line in which they are now conducting themselves on the defensive.

RESOLVED, That the seizing, or attempting to seize, any person in America in order to transport such person beyond the sea, for trials of offences committed within the body of a county in America, being against law, will justify, and ought to meet with resistance and reprisal."

A letter was also addressed to General Gage, Commander of His Majesty's troops at Boston, as follows :—

Philadelphia, Oct. 10, 1774.

Sir,—The inhabitants of the Town of Boston have informed us, the Representatives of his Majesty's faithful subjects in all the colonies from Nova Scotia to Georgia, that the fortifications erecting within that town, the frequent invasions of private property, and the repeated insults they receive from the soldiery, have given them great reason to suspect a plan is formed very destructive to them, and tending to overthrow the liberties of America. Your Excellency cannot be a stranger to the sentiments of America with respect to the late Acts of Parliament, under the execution of which those unhappy people are oppressed; the approbation universally expressed of their conduct, and the determined resolutions of the colonies for the preservation of their common rights, to unite in their opposition to those Acts. In consequence of these sentiments, they have appointed us the guardians of their rights and liberties, and we are under the deepest concern, that, whilst we are pursuing every dutiful and peaceable measure, to procure a cordial and effectual reconciliation between Great Britain and the colonies, your Excellency should proceed in a manner that bears so hostile an appearance, and which even these oppressive Acts do not warrant. We entreat your Excellency to consider what tendency this conduct must have to irritate and

force a people, however well disposed to peaceable measures, into hostilities, which may prevent the endeavors of this Congress to restore a good understanding with a parent state, and may involve us in the horrors of a civil war. In order, therefore, to quiet the minds, and remove the reasonable jealousies of the people, that they may not be driven to a state of desperation, being fully persuaded of their pacific disposition towards the King's troops, could they be assured of their own safety, we hope, Sir, you will discontinue the fortifications in and about Boston, prevent any further invasions of private property, restrain the irregularities of the soldiers, and give orders that the communications between the town and country may be open, unmolested, and free. Signed, by order and in behalf of the General Congress,

PEYTON RANDOLPH, President.

The Declaration of Rights, and other proceedings published by this Congress, contain a full and comprehensive view of all the grievances complained of, and of the rights claimed in America, and, as illustrating the position in which the two countries now stood with reference to each other, they necessarily become a part of this work.



CHAPTER VIII.

THE DECLARATION OF RIGHTS.*

WHEREAS, since the close of the last war, the British Parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath in some Acts expressly imposed taxes upon them; and in others under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners with unconstitutional powers, and

* In Congress, 1774.

extended the jurisdiction of Courts of Admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And *whereas*, in consequence of other statutes judges, who before held only estates at will in their offices, have been made dependant on the Crown alone for their salaries, and standing armies kept in times of peace. And *whereas* it has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry VIII. colonists may be transported to England and tried there upon accusations for treasons, and misprisons and concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned. And *whereas*, in the last session of Parliament three statutes were made; one entitled "An Act to discontinue in such manner and for such time as therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandize at the town, and within the harbour of Boston, in the Province of Massachusetts Bay, in North America," and another, entitled "An Act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the Province of Massachusetts Bay in New England;" and another statute was then made, "for making more effectual provision for the government of the Province of Quebec," &c. All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights. And *whereas* Assemblies have been frequently dissolved, contrary to the rights of the people when they attempted to deliberate on grievances, and their dutiful, humble,

loyal, and reasonable petitions to the Crown for redress have been repeatedly treated with contempt by his Majesty's ministers of state, the good people of the several colonies of NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND *and* PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, NEWCASTLE, KENT AND SUSSEX ON DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA and SOUTH CAROLINA, justly alarmed at the arbitrary proceedings of Parliament and administration, have severally elected, constituted and appointed deputies to meet and sit in General Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted ; whereupon the deputies so appointed, being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do in the first place, as Englishmen their ancestors have in like cases usually done, for asserting and vindicating their rights and liberties, DECLARE, that the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following RIGHTS :

RESOLVED NEMINE CONTRADICENTE. I. That they are entitled to life, liberty, and property, and have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

II. That our ancestors were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England.

III. That, by such emigration, they neither forfeited, surrendered, nor lost, any of those rights.

IV. That the foundation of English liberty, and of all free government, is a right in the people to participate in their Legislative Council ; and as the English colonists are not represented, and, from their local

and other circumstances cannot properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation, in their several Provincial Legislatures, where their right of legislation can only be preserved, in all cases of taxation and internal polity, subject only to the negative of their Sovereign, in such manner as has been heretofore used and accustomed; but from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such Acts of the British Parliament as are *bona fide*, restrained to the regulation of our *external commerce*, for the purposes of securing the commercial advantages of the whole empire to the Mother Country, and the commercial benefits of its respective members, excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.

V. That the respective colonies are entitled to the Common law of England, and more especially, to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

VI. That they are entitled to the benefit of such of the English Statutes as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

VII. That these his Majesty's colonies, are likewise entitled to all the immunities and privileges, granted and confirmed to them by Royal Charters, or secured by their several codes of Provincial laws.

VIII. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

IX. That the keeping a standing army in these colonies, in time of peace, without the consent of the Legislature of that colony in which such army is kept, is against law.

X. It is indispensably necessary to good government, and rendered essential by the English Constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power, in several colonies, by a Council appointed during the pleasure of the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which, the aforesaid Deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent by their representatives in their several Provincial Legislatures.

RESOLVED N. C., That the following Acts of Parliament are infringements and violations of the rights of the colonists, and that the repeal

of them is essentially necessary, in order to restore harmony between Great Britain and the American Colonies, *viz*:—The several Acts of 4 Geo. III. Ch. 15 and Ch. 34—5 Geo. III. Ch. 25—6 Geo. III. Ch. 52—7 Geo. III. Ch. 41 and 46—8 Geo. III. Ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the Admiralty Courts beyond their ancient limits, deprive the American subject of Trial by Jury, authorise the Judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights. Also, 12 Geo. III. Ch. 24, entitled "An Act for the better securing his Majesty's Dockyards, Magazines, Ships, Ammunition and Stores," which declares a new offence in America, and deprives the American subjects of a constitutional trial by jury of the vicinage, by authorising the trial of any person charged with the committing any offence described in the said Act, out of the realm, to be indicted and tried for the same in any shire or county within the realm. *Also*, the three Acts passed in the last session of Parliament, by stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachusetts Bay; and that which is entitled "An Act for the better Administration of Justice, &c." *Also*, the Act passed in the same session for establishing the Roman Catholic religion in the Province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there to the great danger, from the total dissimilarity of religion, law, and government, of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France. *Also*, the Act passed in the same session for the better providing suitable quarters for officers and soldiers in his Majesty's service in *North America*.

To these grievous Acts and measures, *Americans* cannot submit; but in hopes their fellow subjects in *Great Britain* will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures—1. To enter into a non-importation, non-consumption, and non-exportation agreement or association—2. To prepare an address to the *People of Great Britain*, and a memorial to the inhabitants of *British America*—and

3. To prepare a loyal address to His Majesty agreeable to resolutions already entered into.

THE ASSOCIATION.

We His Majesty's most loyal subjects, the DELEGATES of the several COLONIES OF NEW HAMPSHIRE, MASSHUSSETTS BAY, RHODE ISLAND, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, the three lower counties of NEWCASTLE, KENT, AND SUSSEX, ON DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA AND SOUTH CAROLINA, deputed to represent them in a CONTINENTAL CONGRESS held in the city of Philadelphia, on the fifth day of September, 1771. Avowing our allegiance to His Majesty, our affection and regard for our fellow subjects in Great Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions at those grievances and distresses with which His Majesty's *American* subjects are oppressed, and having taken under our most serious deliberation, the state of the whole continent ; find, that the present unhappy situation of our affairs is occasioned by a ruinous system of Colony administration adopted by the British Ministry about the year 1763, evidently calculated for enslaving these Colonies, and with them the *British* empire. In prosecution of which system various Acts of Parliament have been passed for raising a revenue in America, for depriving the American subjects, in many instances of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alledged to have been committed in America. And in prosecution of the same system, several late cruel and oppressive Acts have been passed respecting the town of Boston and the Massachusetts Bay, and also an Act for

extending the Province of Quebec so as to border on the western frontiers of these Colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country ; thus by the influence of evil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant Colonies, whenever a wicked ministry shall choose to direct them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of His Majesty's subjects in North America, we are of opinion that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure. And therefore we do, for ourselves, and the inhabitants of the several Colonies whom we represent, firmly agree and associate under the sacred ties of virtue, honor and love of our country, as follows :

FIRST. That from and after the first day of December next, we will not import into British America, from Great Britain or Ireland, any goods, wares or merchandize whatsoever, or from any other place, any such goods, wares, or merchandize, as shall have been exported from Great Britain or Ireland : nor will we, after that day, import any East India Tea from any part of the world ; nor any molasses, syrups, paneles, coffee or Picmento, from the British Plantations or from Dominica ; nor wines from Maderia, or the western Islands ; nor foreign Indigo.

SECOND. We will neither import, nor purchase any slave imported after the first day of December next : after which time we will wholly discontinue the Slave Trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

THIRD. As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea imported on account of the *East India Company*, or any on which a duty hath been or shall be paid ; and from and after the first day of March next we will not purchase or use any East India tea whatever ; nor will we, nor shall any person for or under us pur-

chase or use any of the goods, wares or merchandize, we have agreed not to import, which we shall know or have cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.

FOURTH. The earnest desire we have not to injure our fellow-subjects in Great Britain, Ireland, or the West Indies, induces us to suspend a non-exportation, until the tenth day of September 1775; at which time, if the said acts and parts of acts of the British Parliament herein after mentioned, are not repealed, we will not, directly or indirectly, export any merchandize or commodity whatsoever to Great Britain, Ireland, or the West Indies, except Rice to Europe.

FIFTH. Such as are merchants and use the British and Irish trade, will give orders as soon as possible, to their factors, agents and correspondents, in Great Britain and Ireland, not to ship any goods to them, on any pretence whatever, as they cannot be received in America; and if any merchants residing in Great Britain or Ireland, shall directly or indirectly ship any goods, wares, and merchandize, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and on the same being so done, we will not, from thenceforth, have any connection with such merchant.

SIXTH. That such as are owners of vessels will give positive orders to their Captains, or Masters, not to receive on board their vessels, any goods prohibited by the said non-importation agreement, on pain of immediate dismissal from their service.

SEVENTH. We will use our utmost endeavours to improve the breed of sheep and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West Indies or elsewhere; and those of us, who are or may become overflocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

EIGHTH. We will, in our several stations, encourage frugality, economy, and industry, and promote agriculture, arts, and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shows, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families, will go into any further mourning dress than black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and neck-lace for ladies; and we will discontinue the giving of gloves and scarves at funerals.

NINTH. Such as are venders of goods or merchandize will not take

advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do for twelve months last past.—And if any vender of goods or merchandize, shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his, or her factor or agent, at any time thereafter for any commodity whatever.

TENTH. In case any merchant, trader, or other persons shall import any goods or merchandize after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either reshipped, or delivered up to the Committee of the County, or Town wherein they shall be imported, to be stored at the risk of the importer, until the non-importation agreement shall cease, or be sold under the directions of the committee aforesaid; and in the last mentioned case, the owner or owners of such goods shall be reimbursed (out of the sales), the first cost and charges; the profit if any to be applied towards relieving and employing such poor inhabitants of the Town of Boston, as are immediate sufferers by the Boston Port Bill; and a particular account of all goods so returned, stored or sold, to be inserted in the public papers; and if any goods or merchandize shall be imported after the said first day of February, the same ought to be forthwith sent back again, without breaking any of the packages thereof.

ELEVENTH. That a Committee be chosen in every County, City, and Town, by those who are qualified to vote for Representatives in the Legislature, whose business it shall be attentively to observe the conduct of all persons touching this Association; and when it shall be made to appear to the satisfaction of a majority of any such Committee, that any person within the limits of their appointment has violated this Association, that such majority do forthwith cause the truth of the case to be published in the Gazette: *to the end*, that all such foes to the rights of *British America* may be publicly known, and universally contemned as the enemies of American liberty; and henceforth we respectively will break off all dealings with him or her.

TWELFTH. That the Committee of Correspondence in the respective colonies do frequently inspect the entries of their Custom Houses, and inform each other, from time to time of the true state thereof, and of every other material circumstance that may occur relative to this Association.

THIRTEENTH. That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

FOURTEENTH. And we do further agree and resolve, that we will

have no trade, commerce, dealings, or intercourse whatsoever, with any colony or province in North America, which shall not accede to, or which shall hereafter violate this Association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country. And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this Association until such parts of the several Acts of Parliament, passed since the close of the last war, as impose or continue duties on Teas, Wine, Molasses, Syrups, Paneles, Coffee, Sugar, Piemento, Indigo, Foreign Paper, Glass, and Painters' Colours, imported into America; and extend the powers of Admiralty Courts beyond their ancient limits, deprive the American subject of Trial by Jury, authorise the Judge's Certificate to indemnify the Prosecutor from damages that he might otherwise be liable to from a Trial by his Peers; require oppressive security from a claimant of Ships or Goods seized, before he shall be allowed to defend his property, are repealed. And until that part of the Act of the 12 Geo. III. Ch. 24, entitled "An Act for the better securing his Majesty's Dock-Yards, Magazines, Ships, Ammunitions, and Stores," by which any persons charged with committing any of the offences therein described, in America, may be tried in any Shire or County within the realm, is repealed. And until the four Acts passed the last session of Parliament, viz:—that for stopping the Port and blocking up the Harbour of Boston—that for altering the Charter and Government of the Massachusetts Bay—and that which is entitled "An Act for the better Administration of Justice, &c."—and that "for extending the limits of Quebec, &c." are repealed. And we recommend it to the Provincial Convention, and to the Committees in the respective Colonies, to establish such further regulations as they may think proper, for carrying into execution this Association.

The foregoing Association being determined upon by the Congress, was ordered to be subscribed by the several members thereof; and thereupon we have hereunto set our respective names accordingly.

In Congress, Philadelphia, October 24, 1774.

Signed PEYTON RANDOLPH, Pres.

NEW HAMPSHIRE.

John Sullivan,
Nathaniel Folsom.

RHODE ISLAND.

Stephen Hopkins,
Samuel Ward.

MASSACHUSETTS BAY.

Thomas Cushing,
Samuel Adams,
John Adams,
Robert Treat Paine.

CONNECTICUT.

Eliphalet Dyer,
Roger Sherman,
Silas Deane.

NEW YORK.

Isaac Low,
John Alsop,
John Jay,
James Duane,
William Floyd,
Henry Wisner,
S. Boerum,
Philip Livingston.

NEW JERSEY.

James Kinsey,
William Livingston,
Stephen Crane,
Richard Smith,
John De Hart.

PENNSYLVANIA.

Joseph Galloway,
John Dickinson,
Charles Humphreys,
Thomas Mifflin,
Edward Biddle,
John Morton,
George Ross.

NEW CASTLE, &C.

Cæsar Rodney,

Thomas M'Keane,
George Read.

MARYLAND.

Matthew Tilghman,
Thomas Johnson,
William Paca,
Samuel Chase.

VIRGINIA.

Richard Henry Lee,
George Washington,
P. Henry, Jun.
Richard Bland,
Benjamin Harrison,
Edmund Pendleton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
R. Caswell.

SOUTH CAROLINA.

Henry Middleton,
Thomas Lynch,
Christopher Gadsden,
John Rutledge,
Edward Rutledge.

ADDRESS TO THE KING.*

To the Kings Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

We, your Majesty's faithful subjects of the Colonies of NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, THE COUNTIES OF NEWCASTLE, KENT AND SUSSEX ON DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA and SOUTH CAROLINA, in behalf of ourselves and the inhabitants of these Colonies, who have deputed us to represent them in GENERAL CONGRESS, by this our humble petition, beg leave to lay our grievances before the THRONE.

A standing army has been kept in these Colonies ever since the conclusion of the late war, without the consent of our Assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes. The authority of the Commander-in-Chief, and under him of the Brigadier General, has, in time of peace, been rendered Supreme in all the Civil Governments in America.—The Commander-

* 1774.

in-Chief of all your Majesty's forces in North America has, in time of peace, been appointed Governor of a Colony.—The charges of usual offices have been greatly increased; and new, expensive, and oppressive offices have been multiplied.—The Judges of Admiralty and Vice-Admiralty Courts are empowered to receive their salaries and fees from the effects condemned by themselves.—The officers of the Customs are empowered to break open and enter houses without the authority of any civil magistrate, founded on legal information.—The Judges of Courts of Common Law have been made entirely dependent on one part of the Legislature for their Salaries, as well as for the duration of their Commissions.—Counsellors holding their Commissions during pleasure exercise legislative authority.—Humble and reasonable petitions from the Representatives of the people have been fruitless.—The Agents of the people have been discountenanced, and Governors have been instructed to prevent the payment of their salaries.—Assemblies have been repeatedly and injuriously dissolved.—Commerce has been burthened with many useless and oppressive restrictions.—By several Acts of Parliament, made in the *fourth, fifth, sixth, seventh, and eighth* years of your Majesty's reign, duties are imposed on us, for the purpose of raising a revenue; and the powers of Admiralty and Vice-Admiralty Courts are extended beyond their ancient limits, whereby our property is taken from us without our consent; the Trial by Jury in many civil cases is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages to which they are justly liable; and oppressive security is required from owners before they are allowed to defend their rights.—Both Houses of Parliament have resolved that Colonists may be tried in England for offences alledged to have been committed in *America*, by virtue of a Statute passed in the *thirty-fifth* year of *Henry the Eighth*; and in consequence thereof attempts have been made to enforce that Statute.—A Statute was passed in the *twelfth* year of your Majesty's reign, directing that persons charged with committing any offence therein described, in any place out of the Realm, may be indicted and tried for the same in any Shire or County within the Realm, whereby inhabitants of these Colonies may, in sundry cases by that Statute made capital, be deprived of a trial by their Peers of the Vicinage.—In the last session of Parliament an Act was passed for blocking up the Harbour of Boston; *another*, empowering the Governor of the Massachusetts Bay, to send persons indicted for murder in that Province to another Colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a *third*, for altering the Chartered Constitution of Government in that Province; and a *fourth*, for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British free-

men are subjected to the latter, and establishing an absolute government and the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free, Protestant English settlements; and a *fifth*, for the better providing suitable quarters for Officers and Soldiers in his Majesty's service in *North America*.

To a sovereign who glories in the name of Briton, the bare recital of these acts must, we presume, justify the loyal subjects, who fly to the foot of the throne, and implore his clemency for protection against them. From this destructive system of Colony administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies that overwhelm your majesty's dutiful colonists with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy difference between Great Britain and these Colonies, from an earlier period, or from other causes, than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one to receive injuries and be sensible of them.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty we are confident justly rejoices that your title to the Crown is thus founded on the title of your people to liberty; and therefore we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessings they received from divine Providence, and thereby to prove the performance of that compact which elevated the illustrious house of Brunswick to the imperial dignity it now possesses. The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and for our posterity, excites emotions in our breasts which, though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares—the tranquillity of your government, and the welfare of your people. Duty to your majesty and regard for the preservation of ourselves and our posterity—the primary obligations of nature and so-

ciety—command us to entreat your royal attention; and, as your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who, daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints. These sentiments are extorted from hearts that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alleged of taking our property from us without our consent to defray the charge of the administration of justice; the support of civil government; and the defence, protection, and security of the colonies. But we beg leave to assure your majesty that such provision has been and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies just and suitable to their respective circumstances: and for the defence, protection, and security of the colonies, their militias, if properly regulated as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in case of war, your faithful colonists will be ready and willing, as they ever have been when constitutionally required, to demonstrate their loyalty to your majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects in affectionate attachment to your majesty's person, family and government, we too dearly prize the privilege of expressing that attachment, by those proofs that are honorable to the Prince who receives them, and the people who give them, ever to assign it to any body of men upon earth. Had we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion to your majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation in whose parental guidance on all important affairs we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet, we doubt not, the purity of our intentions and the integrity of our conduct will justify us at that grand tribunal, before which all mankind must submit to judgment. We ask but for *peace, liberty, and safety*. We wish not a diminution of the prerogatives, nor do

we solicit the grant of any new right in our favor. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain. Filled with sentiments of duty to your majesty, and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition only to obtain a redress of grievances and relief from fears and jealousies occasioned by the system of statutes and regulations adopted since the close of the last war, for raising a revenue in America—extending the powers of courts of admiralty and Vice Admiralty—trying persons in *Great Britain* for offences alledged to be committed in *America*—affecting the Province of Massachusetts Bay—and altering the government and extending the limits of Quebec—by the abolition of which system the harmony between Great Britain and the Colonies, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your Majesty and Parliament we confide for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed, in our happier days, to enjoy. For, appealing to that Being who searches thoroughly the hearts of His creatures, we solemnly profess, that our councils have been influenced by no other motive than a dread of impending destruction.

Permit us then, most gracious sovereign, in the name of all your faithful people in America with the utmost humility to implore you; for the honor of Almighty God, whose pure religion our enemies are undermining, for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interest of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdom and dominions, threatened with almost unavoidable dangers and distresses; that your majesty, the loving father of your whole people, connected by the same bonds of law, loyalty, faith and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects that, if attained, never can compensate for the calamities through which they must be gained. We therefore most earnestly beseech your majesty, that your royal authority and interposition may be used for our relief, and that a gracious answer may be given to this petition. That your Majesty may enjoy every felicity, through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be, our sincere and fervent prayer.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN.*

Friends and fellow subjects.

When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers. In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assault of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty to you their posterity.

Be not surprised, therefore, that we, who are descended from the same common ancestors, that we, whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government, and the most solemn compacts with British Sovereigns, should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having *our* lives and property in their power they may, with the greater facility, enslave *you*. The cause of America is now the object of universal attention; it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented, and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British Empire, leads us to address you on this very important subject:—KNOW THEN, that we consider ourselves, and do insist, that we are and ought to be, as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us without our consent. That we claim all the benefits secured to the subject by the English Constitution, and particularly that inestimable one of Trial by Jury. That we hold it essential to *English* liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity to make his defence. That we think the Legislature of Great Britain is not authorised by the Constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred. And yet sacred as they are, they have, with many others, been repeatedly and flagrantly violated. Are not the proprietors of Great Britain lords of their own soil? Can it be taken from them without their consent? Will they yield it to the

* October, 1774.

arbitrary disposal of any man, or number of men, whatever? You know they will not. Why then are the proprietors of the soil of America less lords of their property than you are of yours? Or why should they submit it to the disposal of your Parliament, or of any other Parliament or Council in the world, not of their election? Can the intervention of the sea that divides us cause disparity of rights, or can any reason be given why English subjects who live three thousand miles from the Royal Palace, should enjoy less liberty than those who are three hundred miles distant from it? Reason looks with indignation on such distinctions, and freemen can never perceive their propriety.

And yet, however chimerical and unjust such discriminations are, the Parliament assert, that they have a *right* to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in *English* politics, and which can no more operate to deprive us of our property, than the interdicts of the Pope can divest Kings of Sceptres, which the laws of the land and the voice of the People have placed in their hands. At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister to whose efforts the British Empire owes its safety and fame—at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution. Prior to this era you were content with drawing from us the wealth procured by our commerce. You restrained our Trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade, and though some of these restrictions were grievous, we nevertheless did not complain; we looked up to you as to our parent state to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur. We call upon you yourselves to witness our loyalty and attachment to the common interest of the whole Empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores, and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which you confessed we had advanced beyond our proportion,

and far beyond our abilities ? You did. To what causes then are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace ? Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive STAMP ACT. Paint, Glass, and other commodities which you would not permit us to purchase of other nations, were taxed ; nay, although no Wine is made in any country subject to the British State, you prohibited our procuring it of foreigners, without paying a tax, imposed by your Parliament, on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally, for the express purpose of raising a Revenue. In order to silence complaint, it was, indeed, provided that this Revenue should be expended in AMERICA for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on Court Favorites and Ministerial Dependants, generally avowed enemies to America, and employing themselves, by partial representation, to traduce and embroil the Colonies. For the necessary support of Government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the State may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every force that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown down in America, and the inestimable right of Trial by Jury taken away, in cases that touch both life and property. It was ordained that whenever offences should be committed in the Colonies against particular Acts imposing various duties and restrictions upon trade, the prosecutor might bring his action in Courts of Admiralty ; by which means the subject lost the advantage of being tried by an honest uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the Crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence, or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the Judge's Certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at Common Law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which Courts are established and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to

be given to their testimony, can be ascertained. In all these Colonies justice is regularly and impartially administered, and yet by the construction of some, and the direction of other Acts of Parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America, had in a great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the *East India Company*, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the dangers of giving success to this insidious manoeuvre, and of permitting a precedent of Taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, (then ruled by a Governor, whom, as well as his predecessor SIR FRANCIS BERNARD, all America considers as her enemy), were exceedingly embarrassed. The ships, which had arrived with the Tea, were by his management prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a Governor's influence would have procured and protected many purchasers. While the Town was suspended by deliberations on this important subject, the Tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of Law were open, and judges appointed by the crown presided in them. The *East India Company*, however, did not think proper to commence any suits, nor did they even demand satisfaction either from individuals, or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated, *ex parte* evidence were laid before them; neither the persons who destroyed the tea, nor the people of Boston were called upon to answer the complaint. The ministry, incensed by being disappointed in a favourite scheme, were determined to recur from the little acts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a Fleet; and an army placed in the Town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing the omnipotence of Parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! consult your history, examine your records of former transactions, nay, turn

to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious *formality* of a Trial, and that too by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your Laws and Constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty to bring poverty, distress and calamity to thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

It would be some consolation to us, if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of Government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations, and established that great, flourishing, and loyal Colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an Act of Parliament, their charter is destroyed, their liberties violated, their constitution and form of government changed: and all this upon no better pretence, than because in one of their Towns a trespass was committed on some merchandize, said to belong to one of the Companies, and because the ministry were of opinion, that such high political regulations were necessary to compel due subordination and obedience to their mandates. Nor are these the only capital grievances under which we labour. We might tell of dissolute, weak, and wicked Governors having been set over us; of Legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependants on great men, advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the Ministerial plan for enslaving us. Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right, of Trial by Jury, to seize our Ports, to destroy our charters, and change our forms of government, would occasion, and had already occasioned great discontent in the colonies, which might produce opposition to these measures; an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavouring to carry their oppressive edicts into execution; and by another act the dominion of *Canada* is to be so ex-

tended, modelled and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices—that by their numbers daily swelling by catholic emigrants from Europe, and by their devotion to administration, so friendly to their Religion, they might become formidable to us ; and on occasion be fit instruments in the hands of power, to reduce the ancient, free, Protestant Colonies to the same state of slavery with themselves. This was evidently the object of the Act, and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to *British America*. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many *English* settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of Trial by Jury, and when imprisoned cannot claim the benefit of the *Habeas Corpus Act*, that great bulwark and palladium of *English* liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country, a Religion that has deluged your Island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world.

This being the true state of facts, let us beseech you to consider to what end they lead. Admit that the ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of Taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be ? What advantages or what laurels will you reap from such a conquest ? May not a ministry with the same armies enslave you ; it may be said, you will cease to pay them, but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast Continent, will then be in the power of your enemies ; nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state. Do not treat this as chimerical. Know that in less than half a century, the quit-rents reserved to the Crown, from the numberless grants of this vast Continent, will pour large streams of wealth into the Royal coffers ; and if to this be added the power of taxing America at pleasure, the Crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in

your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation—to that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be free as yourselves and we shall ever esteem a union with you to be our greatest glory and our greatest happiness. We shall ever be ready to contribute all in our power to the glory of the empire. We shall consider your enemies as our enemies, and your interest as our own. But if you are determined that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, nor the suggestions of humanity can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any Ministry or Nation in the world. Place us in the same situation that we were at the close of the last war* and our former harmony will be restored.

But lest the same supineness and the same inattention to our common interests which you have for several years shewn, should continue, we think it prudent to anticipate the consequences. By the destruction of the trade of Boston the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life. We have suspended our importations from Great Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies. It is with the utmost regret, however, that we find ourselves compelled, by the over-ruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow-subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a Parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection, between all the inhabitants of his Majesty's kingdoms and territories, so ardently sought for by every true and honest AMERICAN.

ADDRESS TO THE PEOPLE OF THE COLONIES.*

FRIENDS AND COUNTRYMEN,

We the DELEGATES appointed by the good people of these colonies to meet at Philadelphia in September last, for the purposes mentioned by our respective constituents, have, in pursuance of the trust reposed in us, assembled, and taken into our most serious consideration the important matters recommended to the Congress. Our resolutions thereupon will be herewith communicated to you. But as the situation of public affairs grows daily more and more alarming; and as it may be more satisfactory to you to be informed by us in a *collective body*, than in any other manner, of those sentiments that have been approved upon a full and free discussion, by the representatives of so great a part of *America*, we esteem ourselves obliged to add this *address* to these *resolutions*. In every case of opposition by a people to their rulers, or of one state to another, duty to Almighty God, the Creator of all, requires that a true and impartial judgment be formed of the measures leading to such opposition, and of the causes by which it has been provoked, or can in any degree be justified, that neither affection on the one hand nor resentment on the other, being permitted to give a wrong bias to Reason, it may be enabled to take a dispassionate view of all circumstances, and to settle the *public conduct* on the solid foundations of *wisdom* and *justice*. From councils thus tempered arise the surest hopes of the *Divine* favour, the firmest encouragement to the parties engaged, and the strongest recommendation of their cause to the rest of mankind. With minds deeply impressed by a sense of these truths, we have

* October, 1774.

diligently, deliberately and calmly inquired into and considered those exertions, both of the Legislative and Executive power of *Great Britain*, which have excited so much uneasiness in America; and have with equal fidelity and attention considered the conduct of the colonies. Upon the whole, we find ourselves reduced to the disagreeable alternative of being silent and betraying the innocent, or of speaking out and censuring those we wish to revere. In making our choice of these distressing difficulties, we prefer the course dictated by honesty and a regard for the welfare of our country.

Soon after the conclusion of the late war, there commenced a memorable change in the treatment of these colonies. By a statute made in the fourth year of the present reign, a time of profound peace, alledging 'the expediency of new provisions and regulations for extending the commerce between *Great Britain* and His Majesty's dominions in *America*, and the necessity of raising a revenue in the said dominions for defraying the expenses of *defending*, protecting, and securing the same,' the *Commons of Great Britain* undertook to give and grant to His Majesty many rates and duties to be paid in these colonies. To enforce the observance of this Act, it prescribes a great number of severe penalties and forfeitures; and in two sections makes a remarkable distinction between the subjects in *Great Britain* and those in *America*. By the one the penalties and forfeitures incurred *there*, are to be recovered in any of the king's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland*; and by the other the penalties and forfeitures incurred *here*, are to be recovered in any Court of Record, or in any Court of *Admiralty*, or *Vice Admiralty*,

at the election of the informer or prosecutor : The inhabitants of these colonies, confiding in the justice of *Great Britain*, were scarcely allowed sufficient time to receive and consider this Act, before another, well known by the name of the *Stamp Act*, and passed in the fifth year of this reign, engrossed their whole attention. By this statute the *British* Parliament exercised in the most explicit manner a power of *taxing us*, and extending the jurisdiction of *Courts of Admiralty* and *Vice Admiralty*, in the colonies, to matters arising within the body of a county, and directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the said Courts : In the same year a tax was imposed upon us, by an Act establishing several new fees in the Customs : In the next year the *Stamp Act* was repealed ; not because it was founded in an erroneous principle, but, as the repealing Act recites, because ‘the continuance thereof would be attended with many inconveniences, and might be productive of consequences greatly detrimental to the commercial interests of *Great Britain*.’ In the same year, and by a subsequent Act, it was declared ‘that His Majesty in Parliament, of right, had power to bind the people of these colonies by statutes *in all cases whatsoever* :’ In the same year, another Act was passed for imposing rates and duties payable in these colonies. In this statute the Commons, avoiding the terms of *giving and granting*, ‘humbly besought His Majesty that it might be enacted,’ &c. But from a declaration in the *preamble*, that the rates and duties were *in lieu of* several others granted by the statute first before mentioned *for raising a revenue*, and from some other expressions, it appears that these duties were intended *for that purpose*. In

the next year* an Act was made 'to enable His Majesty to put the Customs and *other duties in America*, under the management of Commissioners,' &c., and the king therefore erected the present expensive Board of Commissioners, for the express purpose of carrying into execution the several Acts relating to the *revenue* and trade in *America*.

After the repeal of the *Stamp Act*, having again resigned ourselves into our ancient unsuspecting affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favorable alteration in sentiments and measures towards us, we did not press our objections against the above mentioned statutes made subsequent to that repeal. Administration, attributing to trifling causes a conduct which really proceeded from generous motives, were encouraged in the same year† to make a bolder experiment on the patience of America. By a statute commonly called the *Glass, Paper, and Tea, Act*, made fifteen months after the repeal of the *Stamp Act*, the Commons of *Great Britain* resumed their former language, and again undertook to '*give and grant rates and duties to be paid in these colonies*,' for the express purpose of '*raising a revenue to defray the charges of the administration of justice, the support of civil government, and defending the king's dominions on this continent*.' The penalties and forfeitures, incurred under this statute, are to be recovered in the same manner with those mentioned in the foregoing Acts. To this statute so naturally tending to disturb the tranquillity then universal throughout the colonies, Parliament in the same session added another no less extraordinary. Ever since the making of the present peace, a standing army

* 1767.

† 1767.

has been kept in these colonies. From respect to the mother country, the innovation was not only tolerated, but the Provincial legislatures generally made provision for supplying the troops. The Assembly of the Province of New York having passed an Act of this kind, but differing in some articles from the directions of the Act of Parliament made in the fifth year of this reign, the House of Representatives in that colony, was prohibited, by a statute made in the last session mentioned, from making any Bill, Order, Resolution or Vote, except for adjourning or choosing a speaker, until provision should be made by the said Assembly for furnishing the troops within that Province, not only with all such necessaries as were required by the statute which they were charged with disobeying, but also with those required by two other subsequent statutes, which were declared to be in force until the twenty-fourth day of March, 1769 : These statutes of the year 1767 revived the apprehensions and discontents that had entirely subsided on the repeal of the *Stamp Act* ; and amidst the just fears and jealousies thereby occasioned, a statute was made in the next year* to establish Courts of Admiralty and Vice Admiralty on a new model, expressly for the end of more effectually recovering of the penalties and forfeitures inflicted by the Acts of Parliament framed for the purpose of raising a revenue in *America*, &c.

The immediate tendency of these statutes is, to subvert the right of having a share in legislation, by rendering Assemblies useless ; the right of property, by taking the money of the colonists without their consent ; the right of trial by jury, by substituting in their place trials in Admiralty and Vice Admiralty Courts, where

* 1768.

single judges preside, holding their commissions during pleasure ; and unduly to influence the Courts of Common Law, by rendering the judges thereof totally dependant on the Crown for their salaries. These statutes, not to mention many others exceedingly exceptionable, compared one with another, will be found not only to form a regular system, in which every part has great force, but also a pertinacious adherence to that system, for subjugating these colonies, that are not, and from local circumstances cannot be represented in the House of Commons, to the uncontrollable and unlimited power of Parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated supplications. This conduct must appear equally astonishing and unjustifiable, when it is considered how unprovoked it has been by any behaviour of these colonies. From their first settlement their bitterest enemies never fixed upon them a charge of disloyalty to their sovereign or disaffection to the mother country. In the wars she has carried on, they have exerted themselves whenever required, in giving her assistance ; and have rendered her services, which she has publicly acknowledged to be extremely important. Their fidelity, duty, and usefulness during the last war, were frequently and affectionately confessed by His late Majesty and the present king. The reproaches of those, who are most unfriendly to the freedom of *America*, are principally levelled against the Province of MASSACHUSETTS BAY ; but with what little reason, will appear by the following declarations of a person, the truth of whose evidence, in their favor, will not be questioned.—Governor *Bernard* thus addresses the two Houses of Assembly, in his speech on the twenty-fourth of April, 1762—‘The unanimity and despatch with

which you have complied with the *requisitions of His Majesty* require my particular acknowledgment. And it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general Empire, and as the body of a particular Province.' In another speech on the twenty-seventh of May in the same year, he says—'Whatever shall be the event of the war, it must be no small satisfaction to us that this Province hath contributed its full share to the support of it. *Every thing that hath been required of it hath been complied with*, and the execution of the powers committed to me for raising the provincial troops hath been as full and complete as the grant of them. Never before were regiments so easily levied, so well composed, and so early in the field as they have been this year: the common people seemed to be animated with the spirit of the General Court, and to vie with them in their readiness to serve the king.'

Such was the conduct of the people of the MASSACHUSETTS BAY during the last war. As to their behaviour before that period, it ought not to have been forgot in *Great Britain*, that not only on every occasion they had constantly and cheerfully complied with the frequent royal requisitions—but that chiefly by their vigorous efforts *Nova Scotia* was subdued in 1710, and *Louisbourg* in 1745: Foreign quarrels being ended, and the domestic disturbances that quickly succeeded on account of the *Stamp Act* being quieted by its repeal, the Assembly of MASSACHUSETTS BAY transmitted an humble *address of thanks* to the king and divers noblemen, and soon after passed a Bill granting compensation to the sufferers in the disorder occasioned by that Act. These circumstances and the fol

lowing extracts from Governor Bernard's letters in 1768, to the Earl of Shelburne, Secretary of State, clearly show with what grateful tenderness they strove to bury in oblivion the unhappy occasion of the late discords, and with what respectful deference they endeavored to escape other subjects of future controversy : " The House, (says the Governor) from the time of opening the session to this day, has shown a disposition to *avoid* all dispute with me, every thing having passed with as much good humour as I could desire, except only their continuing to act in *addressing* the king, *remonstrating* to the Secretary of State, and *employing* a separate agent. It is the *importance of this innovation*, without any wilfulness of my own, which induces me to make this remonstrance at a time when I have a fair prospect of having *in all other business* nothing but good to say of the proceedings of the House."* " They have acted *in all things*, even in their remonstrance, *with temper and moderation* ; they have avoided some subjects of dispute, and have laid a foundation for *removing* some causes of former altercation."† " I shall make such a prudent and proper use of this letter as, I hope, will perfectly restore the peace and tranquillity of this Province, for which purpose considerable steps have been made by the House of Representatives."‡ The vindication of the Province of MASSACHUSETTS BAY contained in these letters, will have greater force, if it be considered that they were written several months after the fresh alarm given to the colonies by the statutes passed in the preceding year. In this place it seems proper to take notice of the insinuation of one of these statutes, that the interference of Parliament was necessary to provide for ' defraying the charge

* January 21, 1768. † January 30, 1768. ‡ February 2, 1769.

of the administration of justice, the support of civil government, and defending the king's dominions in *America* :’ As to the two first articles of expense, every colony had made such provision as by their respective Assemblies, the best judges on such occasions, was thought expedient and suitable to their several circumstances : Respecting the last ; it is well known to all men the least acquainted with *American* affairs, that the colonies were established, and generally defended themselves, without the least assistance from *Great Britain* ; and that at the time of her taxing them by the statutes before mentioned, most of them were labouring under very heavy debts contracted in the last war. So far were they from sparing their money when their sovereign *constitutionally* asked their aids, that during the course of that war Parliament repeatedly made them compensations for the expenses of those strenuous efforts, which, consulting their zeal rather than their strength, they had cheerfully incurred. Severe as the Acts of Parliament before mentioned are, yet the conduct of Administration hath been equally injurious and irritating, to this devoted country. Under pretence of governing them, so many new institutions, uniformly rigid and dangerous, have been introduced as could only be expected from incensed masters, for collecting the tribute, or rather the plunder of conquered Provinces. By order of the king, the authority of the Commander in Chief, and, under him, of the Brigadier-Generals, *in time of peace*, is rendered *supreme* in all the civil governments in *America* ; and thus an uncontrollable military power is vested in officers not known to the Constitution of these colonies. A large body of troops, and a considerable armament of ships of war, have been sent to assist in taking their money

without their consent—expensive and oppressive offices have been multiplied, and the arts of corruption industriously practiced to divide and destroy—the judges of the Admiralty and Vice Admiralty Courts are empowered to receive their salaries and fees from the effects to be condemned by themselves—the Commissioners of the Customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information—judges of Courts of Common Law have been made entirely dependant on the Crown for their commissions and salaries—a Court has been established at Rhode Island for the purpose of taking colonists to England to be tried—humble and reasonable petitions from the Representatives of the People have been frequently treated with contempt; and Assemblies have been repeatedly and arbitrarily dissolved—from some few instances it will sufficiently appear on what pretences of justice these dissolutions have been founded.

The tranquillity of the colonies having been again disturbed, as has been mentioned, by the statutes of the year 1767, the Earl of Hillsborough, Secretary of State, in a letter to Governor Bernard, dated April 22, 1768, censures the *presumption* of the House of Representatives for “resolving upon a measure of so inflammatory a nature *as that of writing to the other colonies on the subject of their intended representations against some late Acts of Parliament,*” then declares that “His Majesty considers this step as evidently tending to create unwarrantable combinations to excite an unjustifiable opposition to the Constitutional authority of Parliament”—and afterwards adds, “It is the *king’s pleasure*, that as soon as the General Court is again assembled, at the time prescribed by the Charter, you should

require of the House of Representatives, in His Majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of and dissent to that rash and hasty proceeding. If the new assembly should refuse to comply with His Majesty's reasonable expectation it is the king's pleasure that you should immediately dissolve them."

This letter being laid before the House, and the resolutions not being rescinded according to order, the assembly was dissolved. A letter of a similar nature was sent to other Governors to procure resolutions approving the conduct of the Representatives of MASSACHUSETTS BAY to be rescinded also ; and the Houses of Representatives in other colonies refusing to comply, assemblies were dissolved : these mandates spoke a language to which the ears of English subjects had for several generations been strangers. The nature of assemblies implies a power and right of deliberation, but these commands, proscribing the exercise of judgment on the propriety of the requisitions made, left to the Assemblies only the election between dictated submission, and threatened punishment : a punishment too, founded on no other Act, than such as is deemed innocent even in slaves—of agreeing in Partitions for Redress of grievances that equally effect all : the hostile and unjustifiable invasion of the Town of Boston soon followed these events in the same year ; though that Town, the Province in which it is situated, and all the colonies, from abhorrence of a contest with their parent state, permitted the execution even of those statutes, against which they so unanimously were complaining, remonstrating and supplicating.

Administration, determined to subdue a spirit of free-

dom, which English Ministers should have rejoiced to cherish, entered into a monopolizing combination with the East India Company, to send to this continent vast quantities of Tea, an article on which a duty was laid by a statute, that, in a particular manner, attacked the liberties of America, and which therefore, the inhabitants of these colonies had resolved not to import. The cargo sent to South Carolina was stored and not allowed to be sold. Those sent to Philadelphia and New York were not permitted to be landed. That sent to Boston was destroyed, because Governor Hutchinson would not suffer it to be returned. On the intelligence of these transactions arriving in Great Britain, the public spirited Town last mentioned, was singled out for destruction, and it was determined the Province it belongs to should partake of its fate. In the last session of Parliament therefore were passed the acts for shutting up the Port of Boston, indemnifying the murderers of the inhabitants of Massachusetts Bay, and changing their chartered constitution of Government. To enforce these acts, that Province is again invaded by a fleet and army. To mention these outrageous proceedings is sufficient to explain them. For though it is pretended that the Province of Massachusetts Bay has been particularly disrespectful to Great Britain, yet in truth the behaviour of the People in other colonies has been an equal "opposition to the power assumed by Parliament." No step however has been taken against any of the rest. This artful conduct conceals several designs. It is expected that the Province of Massachusetts Bay will be irritated into some violent action that may displease the rest of the continent, or that may induce the people of Great Britain to approve the meditated vengeance of an imprudent

and exasperated Ministry. If the unexampled pacific temper of that Province shall disappoint this part of the plan, it is hoped the other colonies will be so far intimidated as to desert their brethren suffering in a common cause, and that thus disunited all may be subdued. To promote these designs another measure has been pursued. In the session of parliament last mentioned, an act was passed for changing the government of Quebec, by which act the Roman Catholic Religion, instead of being tolerated as stipulated by the Treaty of Peace, is established; and the people there are deprived of a right to an assembly, Trials by Jury, and the English Laws in civil cases are abolished, and instead thereof the French Laws are established, in direct violation of his Majesty's promise by his Royal Proclamation, under the faith of which many English subjects settled in that Province; and the limits of that Province are extended so as to comprehend those vast regions that lie adjoining to the northerly and westerly boundaries of these colonies. The authors of this arbitrary arrangement flatter themselves that the inhabitants, deprived of liberty, and artfully provoked against those of another religion, will be proper instruments for assisting in the oppression of such as differ from them in modes of Government and Faith. From the detail of facts herein before recited, as well as from authentic intelligence received, it is clear beyond a doubt, that a resolution is formed and now carrying into execution, to extinguish the freedom of these colonies by subjecting them to a despotic government.

At this unhappy period, we have been authorised and directed to meet and consult together for the welfare of our common country. We accepted the important trust with diffidence, but have endeavored to dis-

charge it with integrity. Though the state of these colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those we have adopted. In the first place, it appeared to us a conduct becoming the character these colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty, and therefore, we were induced once more to offer to His Majesty the petitions of his faithful and oppressed subjects in AMERICA: Secondly, regarding with the tender affection, which we knew to be so universal among our countrymen, the people of the kingdom from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction, that the colonists are equally dear to them. Between these Provinces and that body subsists the social bond, which we ardently wish may never be dissolved, and which cannot be dissolved until their minds shall become indisputably hostile, or their inattention shall permit those who are thus hostile to persist in prosecuting with the powers of the realm, the destructive measures already operating against the colonists; and, in either case, shall reduce the latter to such a situation, that they shall be compelled to renounce every regard but that of self-preservation. Notwithstanding the violence with which affairs have been impelled, they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid; we have chosen a method of opposition that does not preclude a hearty reconciliation with our fellow-citizens on the other side of the Atlantic. We deeply deplore the urgent necessity that presses us to an immediate interruption of commerce that may prove

injurious to them. We trust they will acquit us of any unkind intentions towards them, by reflecting, that we are driven by the hands of violence into unexperienced and unexpected public convulsions, and that we are contending for that freedom so often contended for by our ancestors. The people of England will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity, and good sense, we repose high confidence ; and cannot, upon a review of past events, be persuaded that they, the Defenders of true religion, and the asserters of the rights of mankind, will take part against their affectionate Protestant brethren in the colonies, in favour of our open and their own secret enemies, whose intrigues, for several years past, have been wholly exercised in sapping the foundations of civil and religious liberty.

Another reason that engaged us to prefer the commercial mode of opposition, arose from an assurance that the mode will prove more efficacious, if it be persisted in with fidelity and virtue ; and that your conduct will be influenced by these laudable principles cannot be questioned. Your own salvation, and that of your posterity now depends upon yourselves. You have already shown that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniences you may suffer from a stoppage of trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the honor of your country, that must, from your behaviour take its title in the estimation of the world to glory or to shame : and you will, with the deepest attention, reflect that if the peaceable mode of opposition recommended by us be broken and rendered

ineffectual, as your cruel and haughty ministerial enemies, from a contemptuous opinion of your firmness insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final, ruinous, and infamous submission.

Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal, to give all possible strength and energy to the pacific measures calculated for your relief. But we think ourselves bound in duty to observe to you, that the schemes agitated against the colonies have been so conducted as to render it prudent that you should extend your views to mournful events, and be in all respects prepared for every contingency. Above all things we earnestly entreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves, and implore the favour of Almighty God ; and we earnestly beseech his Divine goodness to take you into his gracious protection."

An address was also directed to the inhabitants of the Province of Quebec (Canada), which, after setting forth the rights to which they were entitled under the English constitution, and the violations of them by these recent measures of the administration, and enactments of Parliament, and inviting them to unite with the colonies in the measures by which they sought to redress their grievances, concludes—"we do not ask you, by this address, to commence acts of hostility against the government of our common sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous Ministers, so far, as to become the instruments of their cruelty and despotism ; but to unite with us in one social compact, formed on the

generous principle of equal liberty, and cemented by such an exchange of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration, whether it may not be expedient for you to meet together in your several Towns and Districts, and elect Deputies, who, afterwards meeting in a Provincial Congress, may choose Delegates to represent your Province in the Continental Congress to be held at Philadelphia on the tenth day of May 1775. In this present Congress, beginning on the fifth of the last month,* and continued to this day,† it has been, with universal pleasure and an unanimous vote, *resolved*, that we would consider the violation of your rights, by the act for altering the Government of your Province, as a violation of our own, and that you should be invited to accede to our Confederation, which has no other objects than the perfect security of the natural and civil rights of all the constituent members, according to their respective circumstances; and the preservation of a happy and lasting connection with Great Britain, on the salutary and constitutional principles herein before mentioned. For effecting these purposes we have addressed an humble and loyal Petition to his Majesty, praying relief of our and your grievances; and have associated to stop all importations from Great Britain and Ireland, after the first day of December; and all exportations to those Kingdoms and the West Indies after the tenth day of next September; unless the said grievances are redressed. That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate, whenever you suffer injuries which you are

* September, 1774.

† October 26.

determined to oppose, not on the small influence of your single Province, but on the consolidated powers of North America; and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow subjects."

Letters of a similar character were addressed also to the inhabitants of Nova Scotia, St. Johns, Georgia and the Floridas. The congress adjourned on the twenty-sixth of October, having appointed to meet again at the same place on the tenth day of May then next.* Their proceedings were made public, and freely circulated, after their adjournment, and were received throughout the country with grateful approbation.

CHAPTER IX.

WHILE such was the posture of affairs in America, the proceedings which were going on in Great Britain were equally interesting and important. The merchants of London and of Bristol, the manufacturers of Sheffield and of Birmingham, and the traders and planters of the West Indies, all felt the disastrous effects of the suspension of their trade with the colonies, while thousands of the people were thrown out of employment, and deprived even of the means of subsistence. At its next session† Parliament was flooded with petitions from these several sources, praying them to adopt such measures as should have a tendency to re-open the commercial intercourse between the two countries,

* 1775.

† January, 1775.

and thus avert the ruin and misery which threatened to overwhelm them. The address of the American Congress to the King had been transmitted, but His Majesty, regarding them as an illegal body, refused to receive it, and referred it to Parliament. Parliament also refused, for the same reason, to give it their attention. It was but reasonable to suppose, that coming before the Crown, or into the councils of the nation, as it did, with such an array of popular sentiment in favor of the position taken by the colonies, the petition of so respectable a body, so fully empowered, would have received some consideration. But it was rejected, and the petitions of her own subjects at home were scarcely regarded, by men claiming to be the servants of the State, but who "had never looked at the whole of the complicated interests of the kingdom in one connected view: who had taken things by bits and scraps, just as they pressed, without regard to their relations and dependancies: who never had any system, right or wrong, but only occasionally invented some miserable tale of the day, in order meanly to sneak out of difficulties into which they had proudly strutted."* The cause of America found an able and eloquent champion in Lord Chatham, who had now returned to Parliament, after an absence of several years from the councils of the nation, occasioned by sickness and infirmity. Lord Dartmouth, then Secretary of State for the American Department, submitted sundry documents to the House, among which, undistinguished by any particular reference, was the petition of the Congress to the king. Lord Chatham thereupon moved an address to the king to recall His Majesty's troops from Boston. "The Americans," he said, "sore under injuries and irritated

* Burke.

by wrongs, stript of their inborn rights and dearest privileges, have resisted oppression, and entered into confederacies to preserve their common liberties. Under this idea, the colonists have appointed men competent to so great an undertaking, to consider and devise the most effectual means for maintaining so inestimable a blessing. Invested with this right by the choice of a free people, these delegates have deliberated with prudence, with wisdom, and with spirit; and, in consequence of these deliberations, have addressed the justice and the honor of their country. This is their fault, *this is their crime; they have petitioned for that without which a free people cannot possibly exist.* Much has been said of late about the authority of Parliament. Its Acts are held up as sacred edicts, demanding implicit submission, because, if the supreme power does not lodge somewhere operatively and effectively, there must be an end to all legislation. But they who thus argue, or rather dogmatise, do not see the whole of this question on great, wise, and liberal grounds. In every free state the Constitution is *fixed*, and all legislative power and authority, wheresoever placed, either in collective bodies or individuals, must be derived under the established polity from which they are framed. Therefore, however strong and effective Acts of legislation may be, when they are formed in the spirit of this Constitution, yet when they resist its principles, or counteract its provisions, they attack their own foundation; for it is the Constitution, and *the Constitution only*, which limits both sovereignty and allegiance. This doctrine is no temporary doctrine, taken up on particular occasions, to answer particular purposes, it is involved in no metaphysical doubts and intricacies; but clear, precise, and determinate; it is

recorded in all our law books ; it is written in the great volume of nature ; it is the essential and unalterable right of Englishmen, and accords with all the principles of justice and civil policy, which neither armed force on the one side, nor submission upon the other, can, upon any occasion, eradicate. Dreadful will be the effects of coercive measures. Government has sent an armed force of above seventeen thousand men to *dragoon the Bostonians* into what is called their duty. Ministers, so far from turning their eyes to the impolicy and dreadful consequences of this scheme, are constantly sending out more troops, and declaring, in the language of menace, that if seventeen thousand men cannot, *fifty thousand shall, enforce* obedience. So powerful an army may ravage the country, and waste and destroy as they march ; but in the progress of seventeen hundred miles can they *occupy* the places that they have *passed* ? Will not a country, which can produce three millions of people, wronged and insulted as they are, start up like hydras in every corner, and gather fresh strength from fresh opposition ?—— If the ministers, on the contrary, persevere in their present measures, I will not say that the king is betrayed, but I will pronounce that *the kingdom is undone*. I have crawled to tell you my opinion. I think it my duty to give the whole of my experience and counsel to my country at all times, but more particularly when it so much needs political guidance. Having thus entered on the threshold of this business, I will knock at your gates for justice, and never stop, unless infirmities should nail me to my bed, until I have at least employed every means in my power to heal those unhappy divisions. Every motive of equity and of policy, of dignity and of prudence, urges you to allay the fer-

ment in AMERICA, by the removal of your troops from Boston—by a repeal of your Acts of Parliament, and a demonstration of amicable dispositions towards your colonies.”

Notwithstanding it was accompanied with such an able and cogent argument in favour of the measures it proposed, the motion was rejected by a large majority, and the ministerial party avowed their determination to enforce obedience by arms. But Lord Chatham still persevered in recommending pacific and conciliatory measures. He subsequently introduced a Bill entitled an “Act for settling the troubles in America, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies,” wherein it was proposed—to repeal all the obnoxious acts of Parliament, relative to America,—to restrain the powers of the Courts of Admiralty within their former limits—to re-establish the right of trial by jury in such cases where it had been abolished—and that the judges should hold their office and receive their compensation during good behaviour. In a word, it conceded generally the rights and immunities claimed by the Colonies, while it insisted on the supremacy of the mother country. The measure was violently opposed and rejected. On the third of February* an address was moved to the king, declaring MASSACHUSETTS BAY to be in a state of rebellion, and praying his majesty to adopt the most effectual measures to enforce their submission. In the course of this debate the Americans were generally declared rebels, and the dominant ministerial party boldly *insisted* that by commencing military operations in MASSACHUSETTS BAY, the other colonies would at once yield to the

* 1775.

power of the Crown. Thus far measures had proceeded in Parliament when the colonies became advised of the reception of their congressional proceedings in Great Britain. In preparing to meet the exigencies of their situation the Provincial Assembly of MASSACHUSETTS BAY had raised troops and directed a collection of stores and ammunition to be deposited at Concord and Worcester. On the eighteenth of April* General Gage, commander of his majesty's forces at Boston, ordered a detachment of his troops to take possession of these stores and ordinances. On the morning of the nineteenth, as they entered Lexington, they came upon about one hundred and thirty of the Lexington Militia, who having been forewarned of the object of this detachment were gathered and parading on the common. Major Pitcairn, the leader of the British troops, rode up to them, and cried out "disperse you rebels, throw down your arms and disperse." They still held their ground, however, when the British Major advanced nearer, discharged his pistol among them, and ordered his men to fire. The Militia were at first disposed to retire, but finding that they were still fired upon, stood, and returned the fire, and several were killed on both sides. The detachment proceeded towards CONCORD, where they encountered a number of militia men under the command of Major Butterick, who, not knowing what had already taken place at *Lexington*, ordered his men not to fire unless they were first fired upon by the troops of his majesty. As the regulars advanced and came nearer to the Americans, the king's troops fired and killed a captain and private of the American military. At this the American troops gave battle and compelled them to commence a retreat towards Boston.

* 1775.

Sixty five of the king's army were killed and twenty eight were taken prisoners, while of the Provincials fifty were killed and thirty eight wounded. Thus was the unnatural contest provoked by aggression and stained with blood. The assembly of MASSACHUSETTS BAY, being now in session immediately transmitted an account of this battle to Great Britain, accompanied with abundant proof that the British troops were the aggressors. They also prepared an address to the people of Great Britain, wherein, after enumerating the wrongs and oppressions which they had endured, they say—"these have not detached us from our royal sovereign: we profess to be his loyal and dutiful subjects, and though hardly dealt with, as we have been, are still ready, with our lives and fortunes, to defend his person, Crown and dignity—nevertheless to the persecution and tyranny of his civil ministry, we will not tamely submit. Appealing to heaven for the justice of our cause we determine to die or be free."

Such was the aspect of affairs when the congress again assembled at Philadelphia, fully empowered to take care of the liberties of the country, and to provide measures for the general defence. An army was raised, and GEORGE WASHINGTON of VIRGINIA was appointed to the chief command. Bills of credit were emitted to the amount of \$3,000,000, and the faith of the colonies was pledged for their redemption. A manifesto was published, proclaiming the causes which had compelled them to resort to arms. On the twelfth of June a committee which had been previously appointed, reported a resolution for a fast, which was read, and agreed to and published as follows:

As the Great Governor of the world, by his supreme and universal Providence, not only conducts the course of nature with unerring

wisdom and rectitude, but frequently influences the minds of men to serve the wise and gracious purposes of his Providential Government ; and it being at all times our indispensable duty, devoutly to acknowledge his superintending Providence, especially in times of imminent danger and public calamity, to reverence and adore his immutable justice, as well as to implore his merciful *interposition* for our deliverance. This congress, therefore, considering the present critical, alarming, and calamitous state of these colonies, do earnestly recommend that Thursday, the twentieth day of July next, be observed by the inhabitants of all the *English* colonies on this continent, as a day of *public humiliation, fasting, and prayer* ; that we may with united hearts and voices, unfeignedly confess and deplore our many sins, and offer up our joint supplications to the All-wise, Omnipotent and merciful Disposer of all events, humbly beseeching him to forgive our iniquities—to remove our present calamities—to avert those desolating judgments with which we are threatened,—and to bless our rightful sovereign King *George the third* and to inspire him with wisdom to discern and pursue the true interest of his subjects, that a speedy end may be put to the civil discord between *Great Britain* and the *American Colonies* without further effusion of blood. And that the *British* nation may be influenced to regard the things that belong to her *Peace*, before they are hid from her eyes—that these colonies may ever be under the care and Protection of a kind Providence, and be prospered in all their interests—that the Divine blessing may descend and rest upon all our civil Rulers, and upon the Representatives of the people in their several Assemblies and Conventions, that they may be directed to wise and effectual measures for preserving the Union, and securing the just rights and privileges of the colonies—that virtue and true religion may revive and flourish throughout our land—and that all *America* may soon behold a gracious interposition of Heaven for the redress of her many grievances ; the restoration of her invaded rights, a reconciliation with the parent state, on terms constitutional and honorable to both ; and that her civil and religious principles may be secured to the latest posterity. And it is recommended to christians of all denominations to assemble for public worship, and to abstain from servile labour and recreation, on that day.*

The reasons for taking up arms were set forth in their manifesto, as follows :

A DECLARATION by the REPRESENTATIVES of the UNITED COLONIES of North-America, now met in

* Journals of Congress, 1775.

Congress at Philadelphia, setting forth the causes and necessity of their taking up arms.

If it was possible for men who exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and unbounded power over others, marked out by His infinite goodness and wisdom, as the objects of a legal domination, never rightfully resistable, however severe and oppressive, the inhabitants of these Colonies might at least require from the Parliament of Great Britain, some evidence that this dreadful authority over them had been granted to that body; but a reverence for our Great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The Legislature of Great Britain, however, stimulated by an inordinate passion for power, not only unjustifiable, but which they know to be peculiarly reprobated by the very Constitution of that kingdom; and despairing of success in any mode of contest, where regard should be had to law, truth, or right; have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. Yet, however blinded that Assembly may be, by their intemperate rage for unlimited domination, so to slight justice in the opinion of mankind, we esteem ourselves bound by obligations to the rest of the world to make known the justice of our cause. Our forefathers, inhabitants of the Island of Great-Britain, left their native land, to

seek on these shores a residence for civil and religious freedom. At the expense of their blood, at the hazard of their fortunes, without the least charge to the country from which they removed, by unceasing labour and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of Barbarians. Societies or Governments, vested with perfect legislatures, were formed under Charters from the Crown, and an harmonious intercourse was established between the Colonies and the kingdom from which they derived their origin. The mutual benefits of this union became in a short time so extraordinary as to excite astonishment. It is universally confessed that the amazing increase of the wealth, strength, and navigation of the realm, arose from this source; and the minister, who so wisely and successfully directed the measures of Great-Britain in the late war, publicly declared that these Colonies enabled her to triumph over her enemies. Towards the conclusion of that war, it pleased our sovereign to make a change in his councils. From that fatal moment, the affairs of the British Empire began to fall into confusion, and, gradually sliding from the summit of glorious prosperity to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions that now shake it to its deepest foundations. The new ministry finding the brave foes of *Britain*, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and of then subduing her faithful friends. These devoted Colonies were judged to be in such a state as to present victories without bloodshed, and all the easy emoluments of statutable plunder. The uninterrupted tenor of their

peaceable and respectful behaviour from the beginning of colonization, their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honorable manner by His Majesty, by the late king, and by Parliament, could not save them from the meditated innovations. Parliament was influenced to adopt the pernicious project, and, assuming a new power over them, have in the course of eleven years given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken *to give and grant* our money without our consent, though we ever exercised an exclusive right to dispose of our own property ; statutes have been passed for extending the jurisdiction of Courts of Admiralty and Vice Admiralty beyond their ancient limits ; for depriving us of the accustomed and inestimable privilege of trial by jury in cases affecting both life and property ; for suspending the Legislature of one of the Colonies ; for interdicting all commerce to the capital of another ; and for altering fundamentally the form of government established by Charter, and secured by Acts of its own Legislature solemnly confirmed by the Crown ; for exempting the “murderers” of colonists from legal trial, and in effect, from punishment ; for erecting in a neighbouring Province, acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence ; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in Parliament, that colonists charged with committing certain offences, shall be transported to *England* to be tried.

But why should we enumerate our injuries in detail ? By one statute it is declared, that Parliament can “ of

right make laws to bind us *in all cases whatsoever*." What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us; or is subject to our controul or influence; but on the contrary they are all of them exempt from the operation of such laws; and an *American Revenue*, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours. We saw the misery to which such despotism would reduce us. We for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with Parliament in the most mild and decent language. Administration, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the *Americans* was roused, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A Congress of Delegates from the United Colonies was assembled at Philadelphia on the fifth day of last September.* We resolved again to offer an humble and dutiful petition to the king, and also addressed our fellow subjects of *Great Britain*. We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow subjects as the last peaceable admonition, that our attachment to no nation on earth would supplant our attachment to liberty. This we flattered ourselves was the ultimate step of the controversy, but subsequent events have shown how vain was this hope of finding moderation in our enemies. Several threatening expressions against the Colonies were inserted in His Majesty's speech: our

* 1774.

petition, though we were told it was a decent one, and that His Majesty had been pleased to receive it graciously, and to promise laying it before his Parliament, was huddled into both Houses among a bundle of *American* papers, and there neglected. The Lords and Commons in their address in the month of February, said, that “*a rebellion at that time actually existed in the Province of Massachusetts Bay, and that those concerned in it had been countenanced and encouraged by unlawful combinations, and engagements entered into by His Majesty’s subjects in several of the colonies, and therefore they besought His Majesty that he would take the most effectual measures to enforce due obedience to the laws and authority of the Supreme Legislature.*”

Soon after, the commercial intercourse of whole Colonies with foreign countries was cut off by an Act of Parliament ; by another, several of them were entirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their subsistence ; and large reinforcements of ships and troops were immediately sent over to General Gage. Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers and commoners, who nobly and strenuously asserted the justice of our cause, to stay, or even to mitigate, the heedless fury, with which these accumulated outrages were hurried on. Equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns in our favor. Parliament adopted an insidious manœuvre calculated to divide us, to establish a perpetual Auction of Taxations, where colony should bid against colony, all of them uninformed what ransom would redeem their lives ; and thus to extort

from us, at the point of the bayonet, the unknown sums that would be sufficient to gratify, if possible to gratify ministerial rapacity, with the miserable indulgence left to us of raising, in our own mode, the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies? In our circumstances to accept them, would be to deserve them.

Soon after the intelligence of these proceedings arrived on this continent, General Gage, who in the course of the last year had taken possession of Boston, in the Province of Massachusetts Bay, and still occupied it as a garrison, on the nineteenth day of April, sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said Province, at the town of Lexington—as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment—murdered eight of the inhabitants, and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same Province, killing several and wounding more, until compelled to retreat by the country people, suddenly assembled to repel this cruel aggression. Hostilities thus commenced by the *British* troops, have been since prosecuted by them without regard to faith or reputation. The inhabitants of Boston being confined within that town, by the General their Governor, and having, in order to procure their dismissal, entered into a treaty with him, it was stipulated that the said inhabitants, having deposited their arms with their own magistrates, should have liberty to depart, taking with them their own effects. They accordingly delivered up their

arms, but in open violation of honor, in defiance of the obligation of treaties, which even savage nations esteemed sacred, the Governor ordered the arms deposited as aforesaid, that they might be preserved for their owners, to be seized by a body of soldiers, detained the greatest part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their most valuable effects behind. By this perfidy, wives are separated from their husbands, children from their parents, the aged and sick from their relations and friends who wish to attend and comfort them; and those who have been used to live in plenty, and even elegance, are reduced to deplorable distress: The General, further emulating his ministerial masters, by a Proclamation bearing date on the twelfth day of June, after venting the grossest falsehoods and calumnies against the good people of these Colonies, proceeds to *declare them all, either by name or description, to be rebels and traitors; to supercede the course of the Common Law, and instead thereof to publish and order the use of the Law Martial.* His troops have butchered our countrymen, have wantonly burnt Charlestown, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted; and he is exerting his utmost power to spread destruction and devastation around him. We have received certain intelligence, that General Carleton, the Governor of *Canada*, is instigating the people of that Province, and the *Indians*, to fall upon us; and we have but too much reason to apprehend that schemes have been formed to excite *domestic enemies* against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of Administra-

tion can inflict them, the complicated calamities of *fire*, *sword*, and *famine*.

We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honor, Justice, and Humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them. Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge as signal instances of the Divine favour towards us, that His Providence would not permit us to be called into this severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly, before God and the world, DECLARE, that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed upon us, the arms which we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our Liberties; being with one mind resolved to die freemen rather than to live as slaves.

Lest this Declaration should disquiet the minds of our friends and fellow subjects in any part of the Em-

pire, we assure them that we mean not to dissolve that Union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from *Great Britain*, and establishing Independent States. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. *They* boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death. In our own native land—in defence of the freedom that is our *birth-right*, and which we ever enjoyed till the late violation of it—for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves—against violence actually offered—we have taken up arms. We shall lay them down when hostilities shall cease on the part of the *aggressors*, and all danger of their being renewed shall be removed, and not before. With an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the universe, we most devoutly implore His Divine Goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the Empire from the calamities of Civil War.”

Such were the sublime and exalted motives which influenced the Representatives of the American people in the deliberations of this Congress, and the causes which arrayed the Colonies in arms against their mother country : they had now arrived near to that crisis which was to define more positively, and settle

for ever, their relations to one another. Although the idea of a total separation of themselves from all dependance upon the Crown of Great Britain, had been entertained in some of the Colonies, the question was not at this stage of its session agitated in Congress, and it seems not to have been sought or anticipated. This is apparent not only from the foregoing manifesto, but also from their other proceedings. In their Petition to the king, after setting forth the causes of their disaffection, they proceed—"We beg leave further to assure your Majesty, that notwithstanding the sufferings of your loyal colonists during the course of this present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honor and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief being once removed, your Majesty will find your faithful subjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of our mother country. We therefore beseech your Majesty, that your Royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions, with all humility submitting to your Majesty's wise consideration, whether it may not be expedient for facilitating those important purposes, that your Majesty be pleased to direct some mode by which the united applications of your faithful colonists to the

throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation ; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects ; and that such statutes as more immediately distress any of your Majesty's Colonies may be repealed. For by such arrangements as your Majesty's wisdom can form for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the colonists toward their sovereign and parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects and the most affectionate colonists."

In their address to the people of Great Britain they say—"We are accused of aiming at Independence ; but how is this accusation supported ? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned—what steps have we pursued to obtain redress ? We have carried our dutiful petitions to the throne—we have applied to your justice for relief—we have retrenched our luxury, and withheld our trade : The advantages of our commerce were designed as a compensation for your protection : when you ceased to protect, for what were we to compensate ? What has been the success of our endeavours ? The clemency of our sovereign is unhappily diverted ; our petitions are treated with indignity ; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will, or the power, to assist us. Even under these circumstances, what measures

have we taken that betray a desire for Independence? Have we called in the aid of those foreign powers who are the rivals of your grandeur? When your troops were few and defenceless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional strength? Let not *your* enemies and *ours* persuade you that in this we were influenced by fear or any other unworthy motive. The lives of *Britons* are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hostilities were commenced, when on a late occasion we were wantonly attacked by your troops, though we repelled their assaults and returned their blows, yet we lamented the *wounds* they obliged us to give; nor have we yet learned to rejoice at a victory over *Englishmen*."

A *plan of accommodation* had been proposed by the ministry to the Assemblies of the respective Colonies, but it was considered objectionable and was indignantly rejected; and is thus noticed in the address of this Congress to the people of Great Britain—"Were this proposal free from every other objection, but that which arises from the *time* of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breast? Can they treat with freedom while their towns are sacked, when daily instances of *injustice* and *oppression* disturb the slower operations of reason? If this proposal is really such as you would offer and we accept, why was it delayed till the nation was put to useless expense, and we were reduced to our present melancholy situation? If it holds forth nothing, why was it proposed; unless indeed to deceive you into a

belief that we were unwilling to listen to any terms of accommodation? But what is submitted to our consideration? We contend for the disposal of our property. We are told that our demand is unreasonable—that our Assemblies may indeed *collect* our money, but that they must at the same time offer—not what *your* exigencies or *ours* may require—but so much as is deemed sufficient to satisfy the desires of a minister, and enable him to provide for favorites and dependants. A recurrence to your own treasury will convince you how little of the money already extorted from us has been applied to the relief of your burthens. To suppose that we would grasp the shadow and give up the substance, is adding insult to injuries.”

The Crown was unmoved by the Petition of the Congress, the ministry became still more frenzied by so unexpected a defiance of their armies, and their mad measures were persisted in by Parliament. The colonists were declared rebels; all trade with them was prohibited; their property and persons were made liable to seizure; and hordes of troops were sent over to force them into submission. Every principle of justice and humanity, every sentiment of honor and honesty, every maxim of good and equitable government, and the plainest precepts of political liberty, were trodden down and trampled upon by these measures of an arbitrary, reckless, and infuriate administration. In defence, Congress fitted out armed vessels to intercept such supplies as were intended for the British troops—all exportations, except from one colony to another, were prohibited—letters of marque and reprisal were issued; and it was generally declared “that the exercise of every kind of authority under the Crown of Great Britain should be utterly suppressed” through-

out the Colonies. Thus they were forced on step by step till at length the tie of kindred was disregarded, every feeling of affection was suppressed, and the sympathy of consanguinity, which had hitherto prompted their patient endurance of the wrongs inflicted by the mother country, had now forever lost its influence over the people of America. Nothing further remained but to sever the bond of their political relationship. Accordingly early in the month of June,* the question of a separation of themselves from all dependance upon the British Crown, having been previously agitated, was again taken up, and resolutions involving it were made and referred. The committee to whom these resolutions were referred having reported in favor of a separation, on the tenth of the same month a committee was appointed to prepare a Declaration—"that these UNITED COLONIES are and of right ought to be FREE AND INDEPENDENT STATES—that they are absolved from all allegiance to the British Crown; and that all political connection between them and the STATE OF GREAT BRITAIN is, and ought to be, dissolved."

If we knew nothing more of the history of those men who guided our councils and our armies during this trying period, than that they purposed, and resolved, and wrought out, our independence—that they were instrumental in erecting the fair fabric of government which has made us so free, so happy, and so prosperous a nation—we should be apt to think that Heaven had endowed them with superior wisdom and virtue. But they were religious men, and to whatever name, or creed, or sect they belonged, they forgot all these party discriminations here, and remembered only those fundamental principles of their religion which were

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embraced alike in the faith of all. They were self-governed men; and in their exalted virtue they abandoned all considerations of self, and sought solely and only the good of their country. They periled their lives, their fortunes, and their sacred honor, to secure its liberties. They were persuaded, they felt, that the contest was one which involved the dearest and most important of human rights and human destinies—that on the issue of it depended the proudest hopes of AMERICA not only, but of all mankind. They loved justice and hated oppression, and they felt that the triumph of those principles of civil and religious liberty for which they were contending, was the sure precursor of infinite good to the whole human family. They thought not of the present alone, they thought, and acted, and lived, and struggled, and suffered for the future—they forgot all else in their zeal for posterity. Freely and cheerfully exposed their lives, devoted their property, and consecrated their blood, to achieve for, and transmit to them, freedom and independence; satisfied, beyond all doubt, that on that independence alone depended the most glorious prospects that had ever been opened to the world. Such were the feelings, the views, the hopes, the faith, which inspired the fathers of our revolution. The history of mankind has never before known such illustrious benefactors, such generous patriotism, such disinterested philanthropy, such unselfish regard for the liberties and the welfare of our race. They were swayed by purer, nobler, prouder, worthier purposes, than ever hallowed the council chambers of Greece or of Rome. We admire the schemes which held together those early and famed republics. We venerate the sages and the heroes of Athens, of Sparta, and of Rome; but we admire far

more our own political fabric ; we venerate with a loftier and holier enthusiasm the sages, the heroes, and the patriots, of our own native land : and we religiously believe, that the eye of the Omniscient never rested with so intense an interest, on any other assembly of men gathered for merely political purposes.

On the twenty-eighth day of June the committee reported the following Declaration, which was adopted by the Congress, and signed by all the members present, on the fourth of July following.*

DECLARATION OF INDEPENDENCE.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal station to which the *Laws of Nature* and of *Nature's God* entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self evident ; that all men are created equal, that they are endowed by their CREATOR, with certain unalienable rights, that among these are LIFE, LIBERTY, and the pursuit of *Happiness*, that to secure these rights, Governments are instituted among men, deriving their Just Powers from the consent of the Governed. That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and institute new Government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their *Safety* and *Happiness*. Prudence, indeed will dictate, that Governments long established, should not be changed for light and transient causes, and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute Despotism, it is their RIGHT, it is their DUTY, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies ; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain, is a

* 1776.

history of repeated *Injuries* and *Usurpations*, all having in direct object the establishment of an absolute Tyranny over these states; To prove this, let FACTS be submitted to a candid world. He has refused his assent to Laws, the most wholesome and necessary for the Public Good. He has forbidden his Governors to pass laws of immediate and pressing importance unless suspended in their operation till his assent should be obtained, and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws, for the accommodation of large Districts of People, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them, and formidable to Tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved *Representative Houses* repeatedly for opposing with manly firmness his invasions on the RIGHTS of the PEOPLE. He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the People at large for their exercise; the State remaining in the mean time, exposed to all the dangers of invasions from without, and convulsions from within. He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for the Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of Lands. He has obstructed the Administration of JUSTICE, by refusing his assent to Laws for establishing Judiciary Powers. He has made judges dependant on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. He has kept among us in times of peace, Standing Armies, without the *consent* of our Legislatures. He has affected to render the *Military*, independent of, and superior to the CIVIL power. He has combined with others, to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws, giving his assent to their Acts of Pretended Legislation; For quartering large *Bodies of Armed Troops* among us; For protecting them by a *Mock Trial* from punishment for any MURDERS, which they should commit on the Inhabitants of these States; For cutting off our Trade with all parts of the World; For imposing TAXES on us without our consent; For depriving us in many cases, of the benefit of Trial by Jury; For transporting us beyond Seas to be tried for pretended offences; For abolishing the free system of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its boundaries, so as to render it at

once an example and fit instrument for introducing the same absolute rule into these Colonies. For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments. For suspending our own Legislatures, and declaring themselves invested with *Power to Legislate for us* in all cases whatsoever. He has abdicated Government here, by declaring us out of his PROTECTION, and waging WAR against us. He has plundered our Seas, Ravaged our Coasts, Burnt our Towns, and destroyed the Lives of our People. He is at this time transporting Large Armies of Foreign Mercenaries, to complete the Works of DEATH, DESOLATION, and TYRANNY, already begun, with circumstances of CRUELTY and PERFIDY, scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a Civilized Nation. He has constrained our fellow citizens taken Captive on the High Seas, to bear Arms against their Country; to become the executioners of their Friends and Brethren, or to fall themselves by their hands. He has excited Domestic Insurrections amongst us, and has endeavoured to bring on the inhabitants of our Frontiers the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions. In every stage of these *Oppressions*, We have Petitioned for REDRESS, in the most humble terms; Our repeated Petitions have been answered only by repeated *Injury*. A Prince, whose character is thus marked by every act which may define a TYRANT, is unfit to be the Ruler of a *free people*. Nor have we been wanting in attentions to our British brethren; We have warned them from time to time, of attempts by their Legislature to extend an unwarrantable jurisdiction over us; We have reminded them of the circumstances of our emigration and settlement here, We have appealed to their native Justice and Magnanimity, and we have conjured them by the ties of our common kindred, to disavow these Usurpations, which would inevitably interrupt our connexions and correspondence; They too have been deaf to the voice of Justice and Consanguinity. We must therefore acquiesce in the necessity which denounces our *Separation*, and hold them, as we hold the rest of mankind, ENEMIES in WAR, in PEACE, FRIENDS. WE, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, *Assembled*, appealing to the SUPREME JUDGE of the World, for the retribution of our intentions, Do, in the name, and by authority of the Good People of these Colonies, solemnly publish and DECLARE, That these United Colonies, are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown; and that all Political Connexion between them, and the State of Great Britain, is, and ought to be totally dis-

solved, and that, as FREE AND INDEPENDENT STATES, they have full POWER to levy WAR, conclude PEACE, contract ALLIANCES, establish COMMERCE, and to do all other Acts and Things, which INDEPENDENT STATES may of RIGHT do. And for the support of this DECLARATION, with a Firm Reliance on the Protection of *Divine Providence*, We mutually pledge to each other our LIVES, our FORTUNES, and our sacred HONOR.

GEORGE WYTHE,
WM. WHIPPLE,
JOSIAH BARTLETT,
THOMAS LYNCH, JR.,
BENJ. HARRISON,
RICHARD HENRY LEE,
SAMUEL ADAMS,
GEORGE CLINTON,
WM. PACA,
SAMUEL CHASE,
RICH. STOCKTON,
LEWIS MORRIS,
WM. FLOYD,
ARTHUR MIDDLETON,
THOS. HAYWARD, JR.,
CHARLES CARROLL, OF CARROLLTON,
ROBT. MORRIS,
THOMAS WILLING,
BENJAMIN RUSH,
ELBRIDGE GERRY,
ROBT. TREAT PAINE,
WM. HOOPER,
STEP. HOPKINS,
WILLIAM ELLERY,

GEO. CLYMER,
JOSEPH HEWES,
GEO. WALTON,
JAMES WILSON,
ABRA. CLARK,
FRAS. HOPKINSON,
JOHN ADAMS,
ROGER SHERMAN,
ROBT. R. LIVINGSTON,
THOS. JEFFERSON,
BENJ. FRANKLIN,
THOS. NELSON, JR.,
FRA. LEWIS,
JNO. WITHERSPOONE,
SAMUEL HUNTINGTON,
WM. WILLIAMS,
OLIVER WOLCOTT,
CHAS. THOMPSON,
JOHN HANCOCK,
GEO. READ,
JOHN DICKINSON,
EDWARD RUTLEDGE,
THOS. MCKEAN,
PHILIP LIVINGSTON.

PART IV.

GOVERNMENTAL HISTORY FROM THE DECLARATION OF THEIR INDEPENDENCE TO THE ADOPTION OF THE PRESENT CONSTITUTION.

CHAPTER I.

THE Declaration of Independence produced a new and interesting æra in the governmental history of the American Colonies. Having ventured to assume a separate and equal rank among the nations of the earth—by proclaiming that they were free and independent States; that they were absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain was totally dissolved; and that, AS FREE AND INDEPENDENT STATES, they had power to levy war; conclude peace; contract alliances; establish commerce; and to do all other acts and things which INDEPENDENT STATES may of right do—the necessity was originated for the adoption of some new measures, as well to establish and define their relations with each other, as to regulate their intercourse and relations with foreign powers. The bond of union which had hitherto connected them was inadequate, in its nature and provisions, to their present position, inasmuch as in its formation they

had not contemplated a separation of themselves from all dependance upon the Crown of Great Britain. The frame of government under which they were associated was the result of the peculiar circumstances by which they were surrounded, and, though not perhaps in its original objects or designs, was yet, in its spirit and its tendencies, of a revolutionary character, and has well been denominated a revolutionary government. It might have availed the Colonies for all the purposes of resisting the aggressions, or staying the oppressions of the parent state, while that was their only aim, while each admitted and felt the necessity of such resistance, and while the nature and extent of that resistance seemed limited and defined by the respected sense of allegiance. But when that sense was itself eradicated, and the object of that resistance was, to establish their independence ; when they had brought themselves to feel that they were no longer an infant community, subject to the control of a parent power ; that they had attained to the full stature, the maturity and strength, of a gigantic nation ; they felt also that other and far higher interests depended on the issue of achieving and sustaining their independence. They felt, that whatever the force of arms, nerved with the indignant resistance of a people rising against their oppressors and resolved upon independence, might accomplish, the security and the respectability of the position which they had taken before the world, depended more on a wisely-adapted, and well-ordered frame of government.

It was with a deep and solemn sense of the importance of these considerations that the Congress assembled at Philadelphia* anticipating the necessity, passed a resolution appointing a committee "to prepare and digest the

* June 11, 1776.

form of a *Confederation* to be entered into between these Colonies." The committee appointed in pursuance of this resolution reported a draft of articles on the twelfth of July following. After a variety of debate on their provisions and adaptation, Congress, in committee of the whole, on the twentieth day of August, reported a new draft, and ordered the same to be printed for the use of the members. The subject continued to be agitated till, on the fifteenth of November following, it was reported with sundry amendments, and adopted by the Congress. Immediately upon its adoption a committee was appointed to draft a circular letter, to be sent to each of the States, requesting them to authorise their respective delegates in Congress to subscribe the same in their behalf. This request did not meet with a ready or easy compliance on the part of the States. Many objections were made and many amendments were suggested to the articles proposed. The difficulty or inexpediency of sending them back again to the several States, thus amended, for their concurrence, and the increasing necessity for a speedy settlement of their union, prevented Congress from regarding any of the amendments suggested, and a copy was ordered to be engrossed for ratification on the twenty-sixth of June, 1778; which was ratified in the same year by all the States, except Delaware and Maryland. The former did not accede to the union until the year 1779; and the latter in 1781, when its final ratification was announced by Congress, and the intelligence was received with enthusiastic demonstrations of joy throughout the country. In the month of November, 1782, provisional articles for a treaty of peace between Great Britain and America, were signed by the respective Commissioners of the two nations, appointed for the purpose, at Paris. The definitive treaty

was signed at the same place on the third day of September, 1783; and was as follows:

DEFINITIVE TREATY between GREAT BRITAIN and the UNITED STATES
OF AMERICA.

In the name of the most holy and undivided Trinity. It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the third, by the Grace of God, King of Great-Britain, France and Ireland, Defender of the faith, Duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman Empire, &c; and of the United States of America, to forget all past misunderstandings and differences, that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having, for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the thirtieth of November 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded: His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed—that is to say—his Britannic Majesty on his part, DAVID HARTLEY ESQ., member of the Parliament of Great Britain; and the said United States on their part, JOHN ADAMS ESQ., late a commissioner of the United States of America, at the court of Versailles, late delegate in congress from the state of Massachusetts, and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High mightinesses the States-General of the United Netherlands—BENJAMIN FRANKLIN ESQ., late delegate in congress from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the court of Versailles: and JOHN JAY ESQ., late president of congress, Chief Justice of the State of New York, and Minister Plenipotentiary from the said United States at the court of Madrid; to be the Plenipotentiaries for concluding and signing the

present DEFINITIVE TREATY; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ARTICLE I. His Britannic Majesty acknowledges the said UNITED STATES, viz. NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND and PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, and GEORGIA, to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

ARTICLE II. And that all disputes, which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz: from the north-west angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River—thence down along the middle of that river to the forty-fifth degree of north latitude—from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy—thence along the middle of the said river into Lake Ontario, through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie—thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron—thence along the middle of said water communication—thence through the middle of said Lake to the water communication between that Lake and Lake Superiour—thence through Lake Superiour northward of the isles Royal and Philipeaux to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods to the said Lake of the Woods—thence through the said Lake to the most north-western point thereof, and from thence in a due west course to the river Mississippi—thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. SOUTH, by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche—thence along the middle thereof to its junction with the Flint river—thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic Ocean. EAST, by

a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Lawrence, comprehending all Islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean, excepting such Islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia.

ARTICLE III. It is agreed, that the people of the United States, shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all other Banks of Newfoundland, also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States shall have liberty to take fish of any kind upon such part of the coast of Newfoundland, as British fishermen shall use (but not to dry or cure the same on that Island) and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's Dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV. It is agreed, that the creditors on either side shall meet with no lawful impediment to the recovery of the full value, in Sterling money, of all bona-fide debts heretofore contracted.

ARTICLE V. It is agreed, that Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts in possession of his Majesty's arms, and who have not borne arms against the United States; and that persons of any other description shall have free liberty to go to any part or parts of the Thirteen United States, and therein to remain twelve months unmolested, in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all acts or laws respecting the

premises, so as to render the said acts or laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights and properties, of such last mentioned persons, shall be restored to them, they refunding to any person who may now be in possession, the bona-fide price (where any has been given) which such persons may have paid, on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons, who may have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI. That there shall be no future confiscations made, nor any prosecutions commenced, against any person or persons, for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any further loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution, so commenced, be discontinued.

ARTICLE VII. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other: wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place and harbour, within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper States and persons to whom they belong.

ARTICLE VIII. *The navigation of the river Mississippi, from its source to the Ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.*

ARTICLE IX. In case it should so happen, that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring compensation.

ARTICLE X. The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the undesigned, their ministers Plenipotentiary, have, in their name, and in virtue of our full powers, signed with our hands the present DEFINITIVE TREATY, and caused the seals of our arms to be affixed thereto. Done at Paris, September 3d, 1783.

| | |
|-------|----------------|
| L. S. | JOHN ADAMS, |
| L. S. | DAVID HARTLEY, |
| L. S. | B. FRANKLIN, |
| L. S. | JOHN JAY. |

CHAPTER II.

WE do not propose to enter into an enumeration of the objections which were made by the respective States to the ratification of the articles of confederation, or to note the various causes of the delay which preceded their final adoption. It is sufficient to observe that the critical importance of the occasion demonstrated the necessity of relinquishing those objections in order speedily to establish their UNION, and place them in a position to be recognised as a nation by foreign powers. The question, however, which more than any other hindered their success, and gave rise to the most serious and alarming controversy, respected the boundaries of the several States, and the disposition of the lands which had been held by the crown within the reputed limits of each. Those boundaries, according to the provisions of the patents under which many of the Colonies had been erected, were limited by the "South Sea," or extended indefinitely towards the western wilderness. The larger States claimed exclusive title

to all those lands, within their territorial limits ; while on the other hand it was contended, that all such lands, within whichever of the States, as were unoccupied at the commencement of the war, and belonged to Great Britain, should be deemed common property, subject to the disposal of CONGRESS for the general good. Amid this conflict of claims and interests, of opinions and passions, it was difficult to fix upon any regulation which would give satisfaction to all the parties to the compact. The subject was looked upon as one of great importance, and seemed alone destined to prevent a union under the Confederacy. Happily, however, the Legislature of NEW YORK* passed an act authorising a surrender to Congress of a part of the western domains claimed by her—"for the use and benefit of such States as should become members of the FEDERAL ALLIANCE." Congress took occasion, from this magnanimous example, to appeal to the other States, for a similar cession of their claims, urging upon them to consider "how indispensably necessary it was to establish the FEDERAL UNION on a fixed and permanent basis, and on principles acceptable to all its respective members ; how essential to public credit and confidence ; to the support of their army ; to the vigor of their councils ; the success of their measures ; to tranquillity at home and their reputation abroad ; to their very existence as a free, sovereign, and independent people." The example of New York was followed by VIRGINIA, and afterwards by SOUTH-CAROLINA, GEORGIA, MASSACHUSETTS, and CONNECTICUT, and thus was lulled this fearful source of controversy.

The following were the Articles of Confederation, drawn up by the Committee appointed for that purpose,

* February, 1780.

consisting of Messrs. Bartlett, Samuel Adams, Hopkins, Sherman, R. R. Livingston, Dickinson, M'Kean, Stone, Nelson, Howes, E. Rutledge, and Gwinnet.

IN CONGRESS, July 8, 1778.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION, BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA.

Art. 1. The style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

Art. 2. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

Art. 3. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions, as the inhabitants thereof respectively; provided, that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no impositions, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any part of the United States, he shall, upon the demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

Art. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

§ 2. No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

Art. 6. § 1. No State, without the consent of the United States in Congress assembled, shall send an embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state, nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation or alliance whatever, between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade;

nor shall any body of forces be kept up by any State, in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

Art. 7. When land forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

Art. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

Art. 9. § 1. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty

of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose name shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other

proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned : provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, " well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction, as they may respect such lands and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be fully determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States ; fixing the standard of weights and measures throughout the United States ; regulating the trade, and managing all affairs with the Indians, not members of any of the States : provided that the legislative right of any State, within its own limits, be not infringed or violated ; establishing and regulating postoffices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States : making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "*A Committee of the States*," and to consist of one delegate from each State : and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction ; to appoint one of their number to preside ; provided that no person be allowed to serve in the office of President more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply

the same for defraying the public expenses ; to borrow money or remit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding ; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled ; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

§ 6. The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same : nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate ; and the delegates of a State, or any

of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislature of the several States.

Art. 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

Art. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

Art. 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Art. 13. Every State shall abide by the determination of the United States in Congress assembled, in all questions which, by this Confederation, are submitted to them. And the articles of this Confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorise us to ratify the said Articles of Confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual union, and all and singular the matters and things therein contained. And we do farther solemnly plight and engage the faith of our respective constituents, that they shall abide by the determination of the United States in Congress assembled, in all questions which, by the said Confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the State of Pennsylvania, the ninth day of

July, in the year of our Lord, 1778, and in the third year of the Independence of America.

NEW HAMPSHIRE.

Josiah Bartlett,
John Wentworth, Jr.

MASSACHUSETTS BAY

John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovel,
Samuel Holten.

RHODE ISLAND, &c.

William Ellery,
Henry Marchant,
John Collins.

CONNECTICUT.

Roger Sherman,
Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adams.

NEW YORK.

James Duane,
Fra. Lewis,
William Duer,
Gouv. Morris.

NEW JERSEY.

Jno. Witherspoon,
Nath. Scudder.

PENNSYLVANIA.

Robert Morris,
Daniel Roberdeau,

Jona. Bayard Smith,
William Clingan,
Joseph Reed.

DELAWARE

Thomas M'Kean,
John Dickinson,
Nicholas Van Dyke.

MARYLAND.

John Hanson,
Daniel Carroll.

VIRGINIA.

Richard Henry Lee,
John Banister,
Thomas Adams,
Jno. Harvie,
Francis Lightfoot Lee.

NORTH CAROLINA.

John Penn,
Cons. Harnett,
Jno. Williams.

SOUTH CAROLINA.

Henry Laurens,
Wm. Henry Drayton,
Jno. Matthews,
Richard Hutson,
Thos. Heyward, jr.

GEORGIA.

Jno. Walton,
Edward Telfair,
Edward Langworthy.

Such were the provisions contained in those Articles under which the several Colonies had confederated together as INDEPENDENT STATES. It is easy for us to discover their most exceptionable features, comparing them, as we may, with the lessons of experience, and the more successful operation of the present Constitution. But when we think of the difficulties which

were encountered in their formation ; when we consider how few were the sources whence light could be derived to illumine their councils ; and how wholly they were without any experience to demonstrate the impracticability of the plan of administration proposed, we cease to wonder at its inefficiency. The peculiar circumstances under which a frame of government was called for. The grievances and oppressions which they had sustained, and were still smarting under, from the arbitrary enactments of the administration in England, rendered the Colonies extremely jealous of any authority to be erected whose powers should, in any degree, control or restrain their own legislation. The delegates of the nation, therefore, found themselves in a situation at once new and peculiar. They could look upon the history of other republics as beacons to warn, but not as lights to guide. The one for which they were called upon to legislate was without its precedent or its parallel in the world's history. The STATES had understood the benefits of union only as Colonies, and with reference to restraining or resisting the arbitrary extension of its authority by a power to which they acknowledged and confessed all due allegiance, and from which they had not even thought of separating themselves. But now that they had severed the tie of their political relationship with the parent country, they became extremely doubtful and cautious with what attributes they should clothe a NATIONAL ADMINISTRATION. These reflections introduce us at once to the causes which produced the main defects of these Articles. It will be observed as the most pernicious of all their provisions, that in the STATES was reserved the right and the power of carrying out the decrees of the general government, and executing them upon the people,

within their respective jurisdictions; while it was utterly impossible to invest the GENERAL GOVERNMENT, CONGRESS, with any power by which it could enforce the STATES themselves, to comply with its measures. The evil might, perhaps, have been avoided, had the question been, not what powers shall the STATES yield up to Congress? but, on whom shall fall that superintending sovereignty which was but lately admitted to reside in the Crown and Parliament? If they were to unite as a nation, the object desired was, to erect a government which should be invested with those very attributes of sovereignty, subject only to such restrictions as might, peradventure, arise from the peculiar relations of the parties to the compact. Had the Colonies themselves been wholly independent of each other, when they proclaimed their independence of Great Britain, then the sovereignty exercised over each of them, by the parent state, would undoubtedly have reverted to each respectively. Then they might have considered themselves invested with the absolute and unqualified attributes and powers of sovereignty. But, before that independence was declared, they had, by the very necessities of their situation, and by their own voluntary acquiescence in the exercise of the powers it necessarily assumed, subjected themselves to the direction and control of a general government, which was virtually vested with these very prerogatives of sovereignty. The revolutionary Congress, the nation's Congress, the authorised representatives of the whole American people, had already assumed and exercised the powers theretofore belonging to the Crown and Parliament, and no one ever thought of questioning the validity of their proceedings, or of resisting their authority.

CHAPTER III.

IN order to understand more fully the nature and extent of the relative dependance of the several Colonies upon each other, we must revert to the earlier part of their history. As far back as the month of May in the year 1643, we find that ARTICLES OF CONFEDERATION were entered into between the NEW-ENGLAND COLONIES—MASSACHUSETTS, PLYMOUTH, CONNECTICUT, and NEW HAVEN—wherein they declared that they had entered into a firm and perpetual league for the purpose of *securing their mutual safety and protection*. Under these Articles each Colony retained its distinct and separate jurisdiction. The consent of all of them was required in order to enable any two to unite under one jurisdiction ; as well as to admit any other Colony into the general confederacy. All charges were to be borne by the Colonies respectively, in proportion to the number of male inhabitants between sixteen and sixty years of age. Whenever an invasion occurred, and notice thereof was given by three magistrates of any Colony, the several members of the Confederacy were immediately to furnish their respective quota of military—which were fixed at one hundred for Massachusetts, and forty-five for each of the other parties to the compact. In case a larger armament was required, the Commissioners were to decide upon their number. Two Commissioners from each Colony, who were church members, were to meet annually on the first Monday of September. Six of them constituted a quorum, and any measure passed by a less number

than six, was submitted to the General Assembly of the several Colonies, whose approbation of it was necessary to render it binding. A President was chosen annually from their own body, and they were empowered to frame all laws and ordinances relating to the general interests. Each Colony was prohibited from engaging in war without the consent of the rest, unless in case of a sudden invasion by the Indians. In extraordinary cases the Commissioners determined on the necessity of a war, and called for their respective contributions from the several Colonies. But six Commissioners were required to agree upon the justice of the war, as well as to settle the necessary expenses, and levy the money for the same. In case one Colony was charged with violating any article of the compact, or infringing upon the rights of another Colony, the Commissioners of the disinterested Colonies were the judges to hear and determine the matters in controversy.

Again, while a convention, composed of delegates from the several Colonies, was sitting at Albany, for the purpose of conferring with the *Five Nations* of Indians, with a view to form an alliance with them, in order more effectually to resist the encroachments and invasions of the French ;* they at the same time devised the plan of a *General Union of the Colonies*. The delegates from MARYLAND, PENNSYLVANIA, CONNECTICUT, RHODE ISLAND, MASSACHUSETTS, and NEW HAMPSHIRE, with the LIEUT. GOVERNOR AND COUNCIL OF NEW YORK, appointed a Committee of one member from each Colony to draft a plan for this purpose. The following was reported and adopted by the Convention.

“It is proposed that humble application be made for an Act of Parliament of Great Britain, by virtue of which *one general government* may

be formed in America, including all the Colonies; within and under which government each Colony may retain its present constitution, *except* in the particulars wherein a change may be directed by the said act as herein after follows.

I. That the said General Government be administered by a President General, to be appointed and supported by the Crown; and a Grand Council to be chosen by the representatives of the people of the several Colonies, met in their assemblies.

II. That within ——— months after passing such act, the houses of representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the Grand Council in the following proportion, that is to say; Massachusetts Bay, 7. New Hampshire, 2. Connecticut, 5. Rhode Island, 2. New York, 4. New Jersey, 3. Pennsylvania, 6. Maryland, 4. Virginia, 7. North Carolina, 4. South Carolina, 4. Total 48.

III. The Grand Council shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the President General as soon as conveniently may be after his appointment.

IV. That there shall be a new election of the members of the Grand Council every three years; and that on the death or resignation of any member, his place shall be supplied by a new choice at the next sitting of the assemblies of the Colony he represented.

V. That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall, from time to time, in all ensuing elections, be regulated by that proportion; yet so as that the number to be chosen by any one province be not more than seven, nor less than two.

VI. That the Grand Council shall meet once in every year, and oftener if occasion requires, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President General, on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

VII. That the Grand Council have power to choose their speaker: and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time; without their own consent, or the special command of the Crown.

VIII. That the members of the Grand Council shall be allowed for their services ten shillings sterling per diem, during their session, and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

IX. That the assent of the President General be requisite to all acts

of the Grand Council; and that it be his office and duty to cause them to be carried into execution.

X. That the President General, with the advice of the Grand Council hold or direct all Indian treaties in which the general interest of the Colonies may be concerned; and make peace or declare war with Indian nations.

XI. That they make such laws as they judge necessary for regulating all Indian trade.

XII. That they make all purchases from the Indians, for the Crown, of lands not now within the bounds of particular Colonies; or that shall not be within their bounds, when some of them are reduced to more convenient dimensions.

XIII. That they make new settlements on such purchases, by granting lands in the King's name, reserving a quit rent to the Crown, for the use of the general treasury.

XIV. That they make laws for regulating and governing such new settlements, until the Crown shall think fit to form them into particular governments.

XV. That they raise and pay soldiers, build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the legislature.

XVI. That for these purposes they have power to make laws, and lay and levy such general duties, imposts or taxes, as to them shall appear most equal and just, (considering the ability and other circumstances of the inhabitants in the several Colonies,) and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

XVII. That they may appoint a General Treasurer, and Particular Treasurer in each government, when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.

XVIII. Yet no money to issue but by joint orders of the President General and Grand Council, except where sums have been appropriated to particular purposes, and the President General has been previously empowered, by any act, to draw for such sums.

XIX. That the general accounts shall be yearly settled and reported to the several Assemblies.

XX. That a quorum of the Grand Council, empowered to act with the President General, do consist of twenty-five members; among whom there shall be one or more from the majority of the Colonies.

XXI. That the laws made by them for the purposes aforesaid, shall

not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council, for approbation, as soon as may be after their passing ; and if not disapproved within three years after presentation, to remain in force.

XXII. That in case of the death of the President General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue until the King's pleasure be known.

XXIII. That all military commission officers, whether for land or sea service, to act under this General Constitution, shall be nominated by the President General ; but the approbation of the Grand Council is to be obtained before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President General's approbation before they officiate.

XXIV. But in case of vacancy, by death, or removal of any officer, civil or military, under this Constitution, the Governor of the Province in which such vacancy happens, may appoint until the pleasure of the President General and Grand Council can be known.

XXV. That the particular military as well as civil establishments in each Colony remain in their present state, the General Constitution notwithstanding ; and that on sudden emergencies any Colony may defend itself, and lay the accounts of expense thence arising before the President General and Grand Council, who may allow and order payment of the same as far as they judge such accounts reasonable.

This plan of union, however, was never sanctioned. It was objected to in England as hazardous to the supremacy of the mother country, and in America as conceding too much power to the Crown and Parliament of Great Britain. We refer to these records of Colonial history simply as indicating the sentiments of the several Colonies respecting the nature and the necessity of their dependence upon each other, and as demonstrating the fact, that they had at all times felt and understood that their mutual interests and safety could be truly and effectually secured and promoted only by their GENERAL UNION. This is also clearly illustrated, as we have seen, in all their subsequent history. It was by their union that they had interposed the most

formidable resistance to the encroachments of Parliament. Without this all their aims and efforts would have been wholly ineffectual. To dissolve it, to destroy the harmony of their association, and to set them in array against each other, was the desire and the aim of the ministers of Great Britain. Their past history, therefore, the causes which had brought about a declaration of their independence, and the very circumstances under which that independence was declared, had originated and established between them ties of political relationship, and mutual reliance or dependence, which could not, thereafter, with reason or propriety, be called in question. It was collectively that they had declared themselves an independent nation, and, as one great nation, inseparably united, they pledged themselves to mankind, and to one another, to achieve and to maintain that independence. It would have been a violation of this solemn pledge, and of the faith with which they had encouraged the whole American people to confide in that pledge, had any one of them thereafter departed from its provisions. It was as United States that their independency was acknowledged by the Crown of Great Britain, and a treaty of peace made with them. It was, therefore, essential to the preservation of their faith at home, and their respectability abroad, and to their existence as an independent nation, that they should continue united. To preserve their union, and to establish their nationality, it was also essential that they should erect a national government, and it was equally essential that that government should possess all the attributes and prerogatives of sovereignty—within the sphere over which its administration was to operate. Consequential to their union and this necessity, was produced the singular anomaly

of the constituent parts of a nation brought into competition with the nation itself for these abeyant powers of sovereignty. And it was this very ground of controversy which poisoned the provisions of the CONFEDERATION, and rendered it wholly incompetent to the ends and the uses it was intended to accomplish. It was the reservation in the States, of those powers which must belong, and which ought to have been admitted to belong, to the General Government, which rendered it a lifeless instrument. It was like the spirit breathing in a paralyzed and helpless frame, the essentials which constituted a being were there, while the power which alone rendered them useful or available was taken away. The political sovereignty of the General Government was acknowledged, and a supremacy of power, inherent in its existence as an independent body, was admitted, while at the same time the States claimed for themselves the very powers which were a component part of the attributes of sovereignty and independence. Hence it resulted that the powers confided to Congress were merely declaratory. It was simply a legislative administration. It was without the power requisite to carry into full and effective operation any measure which it might deem necessary for the general good. It must resort to the States, severally and respectively, for their approbation of its measures. Independent of a concurrent action of the State legislatures, it could not exercise any executive powers. Indeed, it was a government whose executive authority was vested in thirteen independent sovereignties, with whom a variety of feelings, of local interests, and of sectional rivalry, might operate to produce hostility to its ordinances. True, it was invested with power to adopt and to re-

commend, but this availed nothing where there were so many considerations to justify a non-compliance, and to create a difference of opinion even, on the part of those to whom it must look for life and efficiency to its own deliberations. Such differences of opinion might and did exist, in perfect consistency with the purest patriotism and the best intentions, in the several States. Each yielding to the persuasions of immediate and local advantage, might, naturally enough, feel itself justified in disregarding the enactments of the General Government. Thus Congress was reduced to the mere pageantry of power. It might pass laws, but it could not enforce their observance. No authority was expressly conferred to compel obedience to its mandates, and such power could not be implied while each State claimed for itself the exercise of "every power, right, and jurisdiction, not expressly delegated to Congress." The necessary and unavoidable consequence was, that its enactments were a nullity, alike disregarded by the States and set at defiance by individuals. Each, and every one complied or refused compliance as interest or feeling prompted; and no transgressor apprehended any dangerous or fearful consequences from a body which had no power to punish; whose sovereignty was *vox et preterea nihil*.

Another serious embarrassment resulting from this system was, that there was no power in the General Government to provide a revenue to meet its current expenses. It could ascertain what sums were necessary to be raised for this purpose, and designate the proportion to come from each State, but the power to levy and collect the same was expressly reserved in the States. It is impossible for us, at this day, to understand all the mischiefs which resulted from this part

of the system during the war. To know them in their full and thrilling reality we must make ourselves familiar with all the details of the revolution. Had not Congress resorted to foreign loans, that revolution might, perhaps, never have been accomplished. "The principal powers of the General Government," says Justice Story, "respected the operations of war, and would be dormant in time of peace. In short, Congress in peace was possessed of but a delusive and shadowy sovereignty, with little more than the empty pageantry of office. They were indeed clothed with the power of sending and receiving ambassadors, and entering into treaties and alliances ; of appointing courts for the trial of felonies and piracies on the high seas, and of regulating the public coin ; of fixing the standard of weights and measures ; of regulating post-offices ; of borrowing money and emitting bills on the credit of the United States ; of ascertaining and appropriating the sums necessary for defraying the public expenses ; and of disposing of the western territory ; and most of these powers required the assent of nine States. But they possessed not the power to *raise* any revenue ; to *levy* any tax ; to *enforce* any law ; to *secure* any right ; to *regulate* any trade ; or even the poor prerogative of commanding means to pay its own ministers at a foreign court. They could contract debts, but were without the means to discharge them. They could pledge the public faith, but they were incapable of redeeming it. They could enter into treaties, but every State in the union could disobey them, with impunity. They could constitute courts for piracies and felonies on the high seas, but they had no means to pay either the judges or the jurors. In a word, all powers which did not execute themselves were at the mercy of the States,

and might be trampled upon at will and with impunity." In the more summary and expressive language of John Jay, "they may *declare* every thing, and *do* nothing." "The United States," says the Federalist, "have an indefinite discretion to make requisitions for men and money, but they have no authority to raise either, by regulations extending to the individuals of America. The consequence of this is, that though in theory their resolutions concerning these objects are laws, constitutionally binding on the members of the Union, yet in practice, they are mere recommendations which every State may observe or disregard, at its option." And again, "The concurrence of thirteen distinct sovereignties is requisite under the Confederation, to the complete execution of every important measure which proceeds from the Union; and Congress at this time scarcely possesses the means of keeping up the forms of the administration till the States can have time to agree upon a more substantial substitute, for the present shadow of a Federal Government." "A government," says Chief Justice Marshall, "authorised to declare war, but relying on independent States for the means of prosecuting it; capable of contracting debts, and of pledging the public faith for their payment, but dependent upon thirteen distinct sovereignties for the preservation of that faith, could only be saved from ignominy and contempt by finding those sovereignties administered by men exempt from the passions incident to human nature."

CHAPTER IV.

THE quotations which close the preceding chapter, while they pourtray the radical errors existing in the ARTICLES OF CONFEDERATION, serve also to illustrate the causes which made that system of administration such as it was, and which rendered it so feeble and so defective. As we have before remarked, it was the controversy—originated by their peculiar position at the declaration of their independence—between the several Colonies, or States, and the General Government sought to be established, as to the general powers of sovereignty. We see how, while the states claimed for themselves those prerogatives and aimed to restrict the powers of Congress, a government was erected whose administration was dependant on their will and deliberations. If we could suppose it to operate at all, such a government must necessarily experience great embarrassment in its operations. For, could we suppose the unanimous assent of these several bodies to its measures, that all were ready and eager promptly to execute them, it would yet be long before the ordinary forms of their administration could bring to its aid the most needful requisitions; and promptitude, especially in the then circumstances of the nation, was essential to the successful termination of its measures. But this is supposing what it was impossible, in the natural course of things, could exist, where there was so much occasion for a diversity of opinion. It could not be supposed, or expected, where these several bodies were liable to be swayed each by its respective sectional views,

and by political rivalry, that unanimity could prevail; or that a government so dependant could be preserved. Experience had proved its utter inefficiency during the war of the revolution; and, after peace was proclaimed and established, and the perplexities and anxieties, and more pressing sense of mutual dependence, incident to the war, were allayed; after the primary object of their union was accomplished, and the power of the Crown was wholly exterminated, and their independence was acknowledged by the parent State; the States were ready with plausible reasons for evading the requisitions of Congress. The accumulating difficulties originating under such a system of administration, and the consequently increasing embarrassments of the General Government, left scarcely a vestige of hope that it could long be respected or preserved. The treasury, which was never full, was now entirely exhausted; and the responsibilities were constantly multiplying, while the public faith was gone, of a nation burthened with a debt of \$42,000,000, which consisted of loans obtained from Holland and France, and the remainder from its own citizens, who had also periled their lives, and poured out their blood, and nobly fought for its independence. Yet few seem to have been moved by these alarming symptoms of ruin and decay which were rapidly developing around them. The earliest suggestion which was made of the inefficiency of the Confederation as an instrument of government, emanated from the Legislature of NEW YORK.* Concurrent resolutions were introduced into the Senate by General Schuyler, wherein it was declared, that "the radical source of most of the existing embarrassments was the want of sufficient power in Congress;

* July, 1782.

that the Confederation was defective in several essential points, and particularly in not vesting the Federal Government, either with a power of providing a revenue for itself, or with ascertained and productive funds—that its defects could not be repaired, nor the powers of Congress extended by partial deliberations of the States separately—and that it was advisable to propose to Congress to recommend, and to each state to adopt, the measure of assembling a General Convention of the States, specially authorised to revise and amend the ARTICLES OF CONFEDERATION.” This was followed by a resolution in Congress,* “that the establishment of permanent and adequate funds throughout the UNITED STATES was indispensable to do justice to the public creditors.” Subsequently to this, resolutions were passed, asking from the States permission for Congress to lay certain specified duties, on various articles of importation. It was proposed that these should continue for twenty-five years, and that the revenue thence accruing should be applied solely to the payment of the public debt, principal and interest. The collectors to be appointed by the States, and removable by Congress. It was also further proposed that other requisitions might be made on the States, to establish a revenue for other purposes according to a fixed quota; and that this system should go into operation on the consent of *all* of the States.

The measures thus proposed were urged upon the States by the most forcible, eloquent, and patriotic appeals from the most distinguished and able statesmen of that day; and were made the special object of commendation in circulars addressed by Washington to the Governors of the several States, as he was about to re-

* February, 1783.

sign his command of the American armies, and as his farewell advice to his countrymen ; in which he says, "Unless the States will suffer Congress to *exercise* those prerogatives which they are undoubtedly invested with by the Constitution, every thing must very rapidly tend to anarchy and confusion. It is indispensable to the happiness of the individual States that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the Confederate Republic, without which the Union cannot be of long duration. There must be a faithful and pointed compliance on the part of every State with the late proposals and demands of Congress, or the most fatal consequences will ensue. Whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered hostile to the liberty and independence of America, and the authors of them treated accordingly. And, lastly, unless we can be enabled, by the concurrence of the States, to participate in the fruits of the Revolution, and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression, as has been devised by the Articles of Confederation ; it will be a subject of regret that so much blood and so much treasure have been lavished to no purpose, that so many sufferings have been encountered without compensation, and that so many sacrifices have been made in vain."

A compliance with these wise and prudent councils, however, seemed to be impossible under the existing state of popular opinion. The States still retained their early prejudices against a general sovereignty, and were reluctant to surrender to Congress the preroga-

tives necessary to give duration, stability, and efficiency, to the Federal Government. And here we cannot help remarking the agency of that mysterious Providence whose superintending care is so apparent in all their early history. It was important that they should be brought to understand, more thoroughly than their experience hitherto had taught them, the benefits and the necessity of their union. It was necessary, in order to give permanency and stability to the frame of government which was thereafter to be erected, that their experience should be such as might convey a lesson of instruction to all coming generations of their descendants; and before we allow ourselves to estimate lightly the untold blessings and benefits of the union, we should ponder well this portion of our governmental history. Its record is graphically summed up, in an interesting appeal made by the Congress to the States.* The report adopted on that occasion says, "in the course of this enquiry it most clearly appears that the requisitions of Congress for eight years past have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future as a source from whence monies are to be drawn to discharge the engagements of the CONFEDERATION, definite as they are in time and amount, would be no less dishonorable to the understanding of those who entertained such confidence, than it would be dangerous to the welfare and peace of the Union. It has therefore become the duty of Congress to declare, most explicitly, that the crisis has arrived when the people of these UNITED STATES, by whose will and for whose benefit the Federal Government was instituted, must decide whether they will support their rank

* February, 1786.

as a nation, by maintaining the public faith at home and abroad, or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the Confederacy, they will hazard not only the existence of the Union, but of those great and invaluable privileges for which they have so arduously and so honorably contended."

This appeal seems to have met with a commendable response in most of the States, yet the measures recommended in the report, and sought to be adopted by Congress, were opposed and prevented by the single vote of New York. This vote has been censured, but we think unjustly. It was undoubtedly influenced by the consideration, that it was impossible under the existing Confederation to accomplish the ends aimed at by Congress, and desired alike by all. In order to secure the advantages of a happy and peaceful union a total remodelling of the whole fabric of government was absolutely necessary. The present one had been found inadequate to the relations and exigencies of the nation, and its continuance ceased to be an object of desire even with the warmest advocates of the union. All parties felt, "that the Confederation had at last totally failed as an instrument of government; that its glory was departed and its days of labour done; that it stood the shadow of a mighty name; that it was seen only as a decayed monument of the past, incapable of any enduring record; that the steps of its decline were numbered and finished; and that it was now pausing before that common sepulchre of the dead whose inscription is *nulla vestigia retrorsum*.*"

In looking over the Articles of Confederation it will be further observed that there was no power in Con-

* Story.

gress to regulate either foreign or domestic commerce. The absence of any national provision on this subject was the source of great embarrassment in the commercial intercourse of the States, and also operated disadvantageously on their foreign trade. To remedy this defect a proposal was made, emanating from the Assembly of Virginia, for a Convention of Delegates from the several States, to be held at Annapolis in Maryland. The proposition was favorably responded to by some of the States, and five of them sent delegates to the convention, which met at the time and place proposed.* But the members of this convention, though fully sensible that the national government was lamentably defective, did not consider themselves competent to suggest any particular alteration or amendment of its provisions. They concurred in resolutions recommending to Congress, to propose a general convention to take into consideration the condition of the general government, and make such provisions or alterations in the system of administration as might render it adequate to the exigencies of the Union. Encouraged by this suggestion, on the twenty-seventh day of February,† Congress ventured to pass a resolution recommending that a convention of delegates from all of the States should be held at Philadelphia “for the purpose of revising the ARTICLES OF CONFEDERATION, and reporting to Congress, and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress and confirmed by the States, render the FEDERAL CONSTITUTION adequate to the emergencies of government, and the preservation of the Union.”

* September 18, 1786.

† 1787.

CHAPTER V.

WE now come to an interesting, a highly important, and a critical æra in our governmental history. The peculiar condition of the nation had impressed upon the minds of all the serious and reflecting, the necessity of a more perfect union between the States. And although some regarded the proposal of Congress with a show of hostility, it was not even with them an indifferent alternative which was presented. It was a choice between political existence and political death. Whether they should be lost in anarchy and confusion, or survive as free, sovereign, and independent communities. It was necessary to their preservation not only from the indignant resentment of the foe they had just subdued, and who had reluctantly admitted their independence ; but also from the strife of rivalry, the animosities, and jealousies, which might spring up among themselves, that they should continue UNITED STATES. When or how could they promise themselves safety or continuance as separated sovereignties ? Their independence had been acknowledged by foreign powers in their collective and national capacity, and who could assure them, if they lost that character, that their independence would be any longer respected ; or that the parent State would not again seek to extend her sovereignty over them ? What security was there that one might not fall under the domination of a neighbouring province ; the larger and more powerful, crush the smaller and the feeble ; and a scene of strife, dissension, and bloodshed, overspread the land ? These were momen-

tous considerations. They involved not only the peace and prosperity of the States, but the more vital interests of the whole American people. The question was full of awful and thrilling importance—should they reap for themselves and transmit to their posterity, the invaluable benefits of a revolution, the achievement of which had filled the whole civilized world with amazement, or should they lose them all by an unnatural and inglorious alienation and hostility to each other? The crisis they were approaching demonstrated the wisdom of the measure recommended by Congress, and a convention of delegates was accordingly appointed, which met at Philadelphia,* and was composed of delegates from each of the States, except Rhode-Island.

Although the delegates to this convention were strongly impressed with the necessity and importance of a union of feeling, of interest, and of affection between the States, they had to contend with no ordinary difficulties in the way of securing so desirable a result. Theirs was indeed no ordinary undertaking. The annals of nations had presented no similar scene. Before them they beheld a great and growing people. In the vista of the future they saw a still greater and more extended nation. For these they were to provide, for these they were now to legislate. For these they were called upon, in circumstances of solemn responsibility, to frame a fabric of government. It must meet the difficulties and embarrassments of the present, and provide for the wants and the changes of the future. In the allotment and distribution of its powers they must calculate with a nice discrimination their practical operation. They must foresee the occasion and the necessity for limitations and restrictions. They must

* May 1787.

be careful not to give too much ; while they must be equally cautious lest they confer too little. On the seventeenth of September, after mature and tranquil deliberation, a draft of the present Constitution, was adopted by the Convention, and reported to Congress, with resolutions and a letter accompanying it as follows :

THE CONSTITUTION.

WE, THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE 1.

SECTION I.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states ; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative ; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three ; Massachusetts eight ; Rhode Island and Providence Plantations one ; Connecticut five ; New York six ; New Jersey four ; Penn-

sylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice-president of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature there-

of; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of

the United States ; if he approve he shall sign it ; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States ; and before the same shall take effect, shall be approved by him, or being disproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power ;

1. To lay and collect taxes, duties, imposts, and excises ; to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises, shall be uniform throughout the United States :

2. To borrow money on the credit of the United States :

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes :

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States :

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

6. To provide for the punishment of counterfeiting the securities and current coin of the United States :

7. To establish post-offices and post-roads :

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

9. To constitute tribunals inferior to the supreme court : To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

11. To raise and support armies ; but no appropriation of money to that use, shall be for a longer term than two years :

12. To provide and maintain a navy :

13. To make rules for the government and regulation of the land and naval forces :

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress :

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings : and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another ; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the

receipts and expenditures of all public money, shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall

be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then, from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the vice-president.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

9. "I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called

into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law ; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION 3.

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes, and misdemeanors.

ARTICLE III.

SECTION 1.

1. The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and

treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation

therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the land; and the judges in every state shall be bound thereby; any thing in the Constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers,

both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Attest,

DELAWARE.

George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jun.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abraham Baldwin.

WILLIAM JACKSON, *Secretary.*

In Convention, Monday, September 17th, 1787.

PRESENT. THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT. *Mr. Hamilton* from NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA and GEORGIA.

RESOLVED. That the preceding CONSTITUTION be laid before the UNITED STATES in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State, by the people thereof, under the recommendation of its legislature, for their assent and ratification: and that each Convention assenting to, and ratifying the same, should give notice thereof to the UNITED STATES, in congress assembled.

RESOLVED. That it is the opinion of this Convention, that as soon as the conventions of nine States shall have ratified this CONSTITUTION, the United States in congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this CONSTITUTION. That after such publication, the electors should be appointed, and the Senators and representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the CONSTITUTION requires, to the Secretary of the United States in congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for President; that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this CONSTITUTION.

By the unanimous order of the Convention.

GEORGE WASHINGTON, President.

WILLIAM JACKSON, Secretary.

IN CONVENTION, SEPTEMBER 17th, 1787.

Sir,—

We have now the honour to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable. The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money and regulating commerce; and the correspondent executive and judicial authorities; should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity of a different organization. It is obviously impracticable in

the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be attained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe: that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect we have the honor to be, Sir,

Your Excellency's most obedient and humble servants,

GEORGE WASHINGTON, *President.*

By unanimous order of the Convention

To His Excellency, THE PRESIDENT OF THE CONGRESS.

On the twenty-eighth of the same month it was resolved by the Congress "that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a Convention of Delegates, chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case." For several months it underwent a critical ex-

amination. Its several articles were carefully canvassed by all the members of the union ; and the whole American people were made familiar with its provisions. Their judgment upon it was, that it was wisely adapted to the exigencies and relations of the nation, and well calculated to secure through all time, to all coming generations, all the blessings of civil and religious liberty. The following proceedings, had at the next meeting of the Congress, will show its adoption, and the time when it first went into operation.

IN CONGRESS, SATURDAY, SEPTEMBER 13, 1788.

On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine States, viz. of NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, VIRGINIA, SOUTH CAROLINA and GEORGIA.

WHEREAS the Convention assembled in Philadelphia, pursuant to the resolution of Congress of the twenty-first February, 1787, did, on the seventeenth of September, in the same year, report to the United States in Congress assembled, a Constitution for the people of the United States ; whereupon Congress, on the twenty-eight of the same September, did resolve unanimously—"that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case." And *whereas* the Constitution so reported by the Convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated, have been received by Congress, and are filed in the office of the Secretary, therefore—

RESOLVED, that the first Wednesday in January next be the day for appointing electors in the several states, which, before the said day, shall have ratified the said Constitution—that the first Wednesday in February next, be the day for the electors to assemble in their respective states and vote for a President—and that the first Wednesday in March next, be the

time, and the present seat of Congress, the place for commencing proceedings under the said Constitution.

The government went into operation under this Constitution at the City of New York on the fourth day of March 1789. The Congress was composed of members from NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, SOUTH CAROLINA and GEORGIA, those States having respectively ratified the new Constitution of government. On counting the votes of the Electors it was found that George Washington of Virginia, was unanimously chosen to be the President and John Adams of Massachusetts was elected Vice-President of the said United States.

After having resigned his command of the American armies, Washington retired to his farm in Virginia, and was there when he received intelligence of his election to the highest station in the gift of his country. Though unambitious of public honors or distinction, and coveting the repose to which he had retired, he nevertheless yielded to his convictions of duty, and the wishes of his countrymen, and set out for New York. His progress and inauguration are thus described, "the roads were crowded with numbers anxious to see THE MAN of the people. Escorts of militia, and of gentlemen of the first character and station, attended him from state to state, and he was everywhere received with the highest honors which a grateful and admiring people could confer. Addresses of congratulation were presented to him by the inhabitants of almost every place of consequence through which he passed, to all of which he returned such modest, unassuming answers as were in every respect suitable to his situation.

So great were the honors with which he was loaded, that they could scarcely have failed to produce haughtiness in the mind of any ordinary man ; but nothing of the kind was ever discovered in this extraordinary personage. On all occasions he behaved to all men with the affability of one citizen to another. He was truly great in deserving the plaudits of his country, but much greater in not being elated with them."

"Gray's Bridge over the Schuylkill, which General Washington had to pass was highly decorated with laurels and evergreens. At each end of it were erected magnificent arches composed of laurels, emblematical of the ancient Roman triumphal arches ; and on each side of the Bridge was a laurel shrubbery. As Washington passed the Bridge, a youth ornamented with sprigs of laurel, assisted by machinery contrived for the purpose, let drop above his head, though unperceived by him, a Civic Crown of laurel. Upwards of twenty thousand citizens lined the fences, fields, and avenues, between the Schuylkill and Philadelphia, through these he was conducted to the City by a numerous and respectable body of the citizens, where he partook of an elegant entertainment provided for him. The pleasures of the day were succeeded by a handsome display of fireworks in the evening. When Washington crossed the Delaware, and landed on the Jersey shore, he was saluted with three cheers by the inhabitants of the vicinity. When he came to the brow of the hill, on his way to Trenton, a triumphal arch was erected on the bridge, by the direction of the ladies of the place, the crown of the arch was highly ornamented with imperial laurels and flowers, and on it was displayed in large figures DECEMBER TWENTY-SIXTH, 1776. On the sweep of the arch, beneath, was the inscription

THE DEFENDER OF THE MOTHERS WILL ALSO PROTECT THEIR DAUGHTERS. On the north side were ranged a number of young girls dressed in white, with garlands of flowers on their heads, and baskets of flowers on their arms; in the second row stood the young ladies, and behind them the married ladies of the town. The instant he passed the arch, the young girls began to sing the following ode :

‘ Welcome, mighty chief, once more,
Welcome to this grateful shore:
Now no mercenary foe
Aims again the fatal blow,
Aims at thee the fatal blow.
Virgins fair and matrons grave,
These thy conquering arm did save,
Build for thee triumphal bowers;
Strew, ye fair, his way with flowers,
Strew your Hero’s way with flowers.’

“ As they sung the last lines they strewed their flowers on the road before their beloved deliverer. His situation on this occasion, contrasted with what he had, in December, 1776, felt on the same spot, when the affairs of America were at the very lowest ebb of depression, filled him with sensations which cannot be described. He was rowed across the bay from Elizabethtown to New York, in an elegant barge, by *thirteen* pilots. All the vessels in the harbour hoisted their flags. Stairs were erected and decorated for his reception. On his landing, universal joy diffused itself through every order of the people, and he was received and congratulated by the Governor of the State, and officers of the Corporation. He was conducted from the landing-place to the house which had been fitted up for his reception, and was followed by an elegant procession of militia in their uniforms, and by a great

numbers of citizens. In the evening the houses of the inhabitants were brilliantly illuminated. A day was fixed soon after his arrival for his taking the oath of office,* which was in the following words :

“I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

“On this occasion he was wholly clothed in American manufactures. On the morning of the day appointed for the purpose, the clergy of different denominations assembled their congregations in their respective places of worship, and offered up public prayers for the President and People of the United States. About noon a procession of military, followed by a multitude of citizens, moved from the President’s house to Federal Hall. When they came within a short distance from the Hall, the troops formed a line on both sides of the way, through which Washington, accompanied by the Vice President, John Adams, passed into the Senate Chamber. Immediately after, accompanied by both Houses of Congress, he went into the gallery fronting Broad Street, and before them, and an immense concourse of citizens, took the oath prescribed by the Constitution, which was administered by R. R. Livingston, the Chancellor of the State of New York. An awful silence prevailed among the spectators, during this part of the ceremony. It was a minute of the most sublime political joy. The Chancellor then proclaimed him President of the United States. This was answered by the discharge of thirteen guns, and by the effusion of shouts, from near ten thousand grateful and affectionate hearts. The President bowed most respectfully to the people, and the air resounded again with their ac-

* April 29, 1789.

clamations. He then retired to the Senate Chamber, where he made an animated speech to both Houses; in which his language not only expressed his own feelings on this solemn occasion, but likewise discovered his anxiety and concern for the welfare and happiness of the people in whose cause he had before risked his life. Several circumstances tended to render the scene of this inauguration unusually solemn—the presence of the beloved Father and Deliverer of his country—the impressions of gratitude for his past services—the vast concourse of spectators—the devout fervency with which he repeated the oath, and the reverential manner in which he bowed to kiss the sacred volume—these circumstances, together with that of his being chosen to the most dignified office in America, and perhaps in the world, by the unanimous voice of more than three millions of enlightened *freemen*, all conspired to place this among the most august and interesting scenes, which have ever been exhibited on this globe.”* “It seemed, from the number of witnesses,” said a spectator of the scene, “to be a solemn appeal to heaven and earth at once: Upon the subject of this great and good man, I may, perhaps, be an enthusiast; but, I confess, I was under an awful and religious persuasion that the gracious Ruler of the Universe was looking down at that moment with peculiar complacency on the act, which, to a part of his creatures was so very important. Under this impression, when the Chancellor pronounced, in a very feeling manner, **LONG LIVE GEORGE WASHINGTON**, my sensibility was wound up to such a pitch, that I could do no more than waive my hat with the rest, without the power of joining in the repeated acclamations which rent the air.”

* Winterbotham.

WASHINGTON'S INAUGURAL ADDRESS.

Fellow-Citizens of the Senate and House of Representatives,

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month.* On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and in my flattering hopes, with an immutable decision, as the asylum of my declining years ; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health, yielding to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is, that if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination, for the weighty and untried cares before me ; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station ; it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect—that His benediction may consecrate to the liberties and happiness of the People of the United States, a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own ; nor those of my fellow citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men,

* April.

more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of Providential agency. And in the important revolution just accomplished, in the system of their united government, the tranquil deliberations, and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly upon my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free Government can more auspiciously commence.

By the article establishing the Executive Department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honourable qualifications, I behold the surest pledges that, as on one side no local prejudices or attachments—no separate views, no party animosity, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire: since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded, that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained. And since the preservation of the sacred fire of liberty, and

the destiny of the Republican model of government, are justly considered as *deeply*, perhaps as *finally*, staked on the experiment entrusted to the hands of the American People.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power, delegated by the fifth article of the Constitution, is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good. For I assure myself, that while you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives.* It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favor the American People with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government, for the security of their union, and the advancement of their happiness; so His divine blessing may be equally

* The Address was delivered in presence of both Houses.

conspicuous, in the enlarged views, the temperate consultations, and the wise measures, on which the success of this Government must depend.

GEORGE WASHINGTON.

The House of Representatives having appointed a committee to prepare an address on the part of the House, in reply to that of the President of the United States to both Houses of Congress; Mr. Madison from that committee reported an address, which was adopted, as follows:

Sir;—the Representatives of the People of the United States present their congratulations on the event by which your fellow citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the First Magistrate, by the unanimous choice of the freest people on the face of the earth. We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave forever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow citizens must review successful efforts to promote their happiness. This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the invisible hand which has led the American People through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposite in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the Constitution, will receive all the attention demanded by its importance; and will, we trust, be decided, under the influence of all the considerations to which you allude. In forming the pecuniary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a

peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services which have been amply fulfilled; and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them. All that remains is, that we join in our fervent supplications for the blessings of Heaven on our country; and that we add our own for the choicest of these blessings on the most beloved of her citizens."

In Congress, May 5, 1789.

Although the Constitution under which the government now went into operation, received the sanction of the Conventions of the several states whose delegates took their seats in Congress, yet their ratification of it was made more from a spirit of conciliation, and affection towards each other, coupled with a deep and solemn impression of the necessity of their union in a general government, than from any persuasion of the propriety or aptness of all its provisions. Many of them even dreaded its operation under its then present form, and acceded to it only from a confident expectation that its imperfections would be speedily amended.* To quiet these apprehensions, to establish the public confidence, and to remove all hindrances to its more successful operation and its long duration, the question of amending it was taken up by Congress, as follows :

CONGRESS OF THE UNITED STATES, Begun and held at the City of New York, on Wednesday, the 4th of March, 1789.

The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government, will best insure the beneficial ends of its institution,

* Journals of Congress, 1789.

RESOLVED, By the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States ; all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, namely :

ART. I. After the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred ; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech ; or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. IV. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

ART. VI. The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger ; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

ART. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and

district wherein the crime shall have been committed, which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witness against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. XII. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

All of these articles, except the two first, received the sanction of the requisite number of states and became a part of the Constitution. The following articles of amendment have been since added.

ART. XIII. The Judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ART. XIV. 1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate ; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted ; the person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing

the President the votes shall be taken by States, the representation from each State, having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional inability of the President.

2. The person having the greatest number of votes as Vice President, shall be Vice President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list the Senate shall chose the Vice President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.*

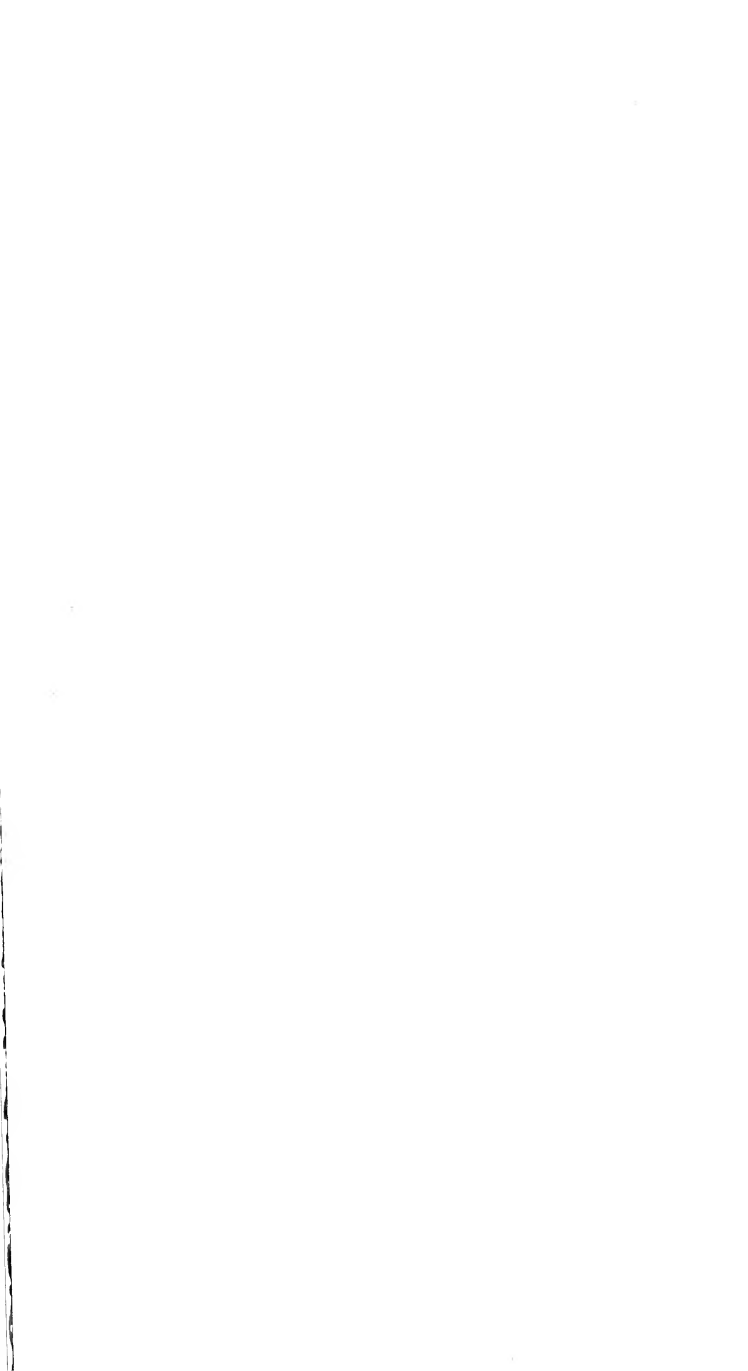
By the month of January, 1791, the Constitution had been ratified in all of the states by their respective conventions, and was universally recognized as the paramount law of the land by the people of the United States of America.

Thus have we endeavored to trace the Governmental History of our country from the earliest settlement made upon her shores until the time of the adoption of the present Constitution. Of that Constitution we do not now propose to speak. It is before us. We see and feel the practical benefits of its benign operation. For more than fifty years have these United States, and this great people, been fostered under its provisions, while it has elevated them to the highest rank in the scale of independent nations, and gained for them and their institutions the respect and admiration of mankind. Their prosperity, happiness, and tranquillity, are the

* By commencing the enumeration at the third article will give the articles as they now stand in the Constitution.

proudest and best comment on its adaptation to their necessities and relations, whether foreign or domestic. Its peace-producing influences are radiating over the world, illustrating, to anxious and admiring millions, the happy tendencies of republican institutions to ameliorate the condition of the human race. Liberty enshrines it in her Temple as the most cherished monument of her triumphs—while, pointing to the wide territory over which it extends its peaceful sway, she exultingly invites the oppressed and suffering of every kindred, and tongue, and people, and nation, under the whole heavens, to come and rest under its protection.

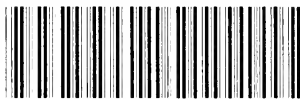
THE END.







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